

DUPFILER

**U.S. Bankruptcy Court
Southern District of Texas (Houston)
Bankruptcy Petition #: 18-33152**

Assigned to: Jeff Bohm
Chapter 7
Voluntary
Asset

Date filed: 06/06/2018
341 meeting: 08/08/2018
Deadline for filing claims: 10/12/2018
Deadline for objecting to discharge: 09/24/2018
Deadline for financial mgmt. course: 09/24/2018

Debtor

Michael Andrew McCann
P O Box 66
Brazoria, Tx 77422
BRAZORIA-TX
979-299-4080
SSN / ITIN: xxx-xx-5319

represented by **Michael Andrew McCann**
PRO SE

Trustee


Randy W Williams
Thompson & Knight LLP
811 Main St.
Suite 2500
Houston, TX 77002
713-654-8111











represented by **Misty A Segura**









Cokinos Young
Four Houston Center
1221 Lamar Street, 16th Floor
Houston, TX 77010
713-535-5500
Fax : 713-535-5533
Email: msegura@cokinoslaw.com










U.S. Trustee








US Trustee
Office of the US Trustee
515 Rusk Ave
Ste 3516
Houston, TX 77002
713-718-4650










Filing Date	#	Docket Text
06/06/2018	 1 (8 pgs)	Chapter 7 Voluntary Petition for Individuals . Receipt Number O, Fee Amount \$335 Filed by Michael Andrew McCann . (BrendaLacy) (Entered: 06/06/2018)




06/06/2018		Receipt Number 188072, Fee Amount \$335.00. (Related document(s): 1 Voluntary Petition (Chapter 7)) (BrendaLacy) (Entered: 06/06/2018)
06/06/2018	 2 (1 pg)	Certificate of Credit Counseling (Filed By Michael Andrew McCann). (BrendaLacy) (Entered: 06/06/2018)
06/06/2018	 3 (1 pg)	Statement of Social Security Number Filed. Does this document change the social security number for one or more debtors? No. Has the Meeting of Creditors been set in this case? No. (BrendaLacy) (Entered: 06/06/2018)
06/07/2018		Judge Jeff Bohm added to case, Randy W Williams added to case (RobbieWestmoreland) (Entered: 06/07/2018)
06/07/2018		Previous case filed in the Southern District of Texas, Case Number 14-31348, 14-80094, 13-80466, 13-34513, 13-30609, 04-38909 and 96-42034. (ShoshanaArnow) (Entered: 06/07/2018)
06/07/2018	 4 (6 pgs)	Order: Possible Future Dismissal of Case. Court advises that 11 U.S.C. Section 521(i) requires automatic dismissal if information required by Section 521(a)(1) is not filed. Signed on 6/7/2018 (ShoshanaArnowadi) (Entered: 06/07/2018)
06/07/2018	 5 (2 pgs)	Initial Order for Prosecution Signed on 6/7/2018 (ShoshanaArnowadi) (Entered: 06/07/2018)
06/09/2018	 6 (3 pgs)	BNC Certificate of Mailing. (Related document(s): 5 Initial Order for Prosecution) No. of Notices: 1. Notice Date 06/09/2018. (Admin.) (Entered: 06/09/2018)
06/09/2018	 7 (7 pgs)	BNC Certificate of Mailing. (Related document(s): 4 Order: Possible Future Dismissal of Case) No. of Notices: 1. Notice Date 06/09/2018. (Admin.) (Entered: 06/09/2018)
	 8 (30 pgs)	Schedule A/B: Property Individual , Schedule C , Schedule D Individual- Creditors Having Claims Secured by Property , Schedule E/F: Creditors Who Have Unsecured Claims Individual , Schedule G

06/20/2018		Individual- Executory Contracts and Unexpired Leases , Schedule H Individual- Codebtors , Schedule I: Individual- Your Income , Schedule J Individual- Your Expenses (Filed By Michael Andrew McCann). (ckrus) (Entered: 06/20/2018)
06/20/2018	 9 (1 pg)	Debtor's Payment Advices or Certification under 11 USC 521 (Filed By Michael Andrew McCann). (ckrus) (Entered: 06/20/2018)
06/20/2018	 10 (12 pgs)	Statement of Financial Affairs for Individual (Filed By Michael Andrew McCann). (ckrus) (Entered: 06/20/2018)
06/20/2018	 11 (2 pgs)	Chapter 7 Statement of Your Current Monthly Income Form 122A-1 (Filed By Michael Andrew McCann). (ckrus) (Entered: 06/20/2018)
06/20/2018	 doc (1 pg)	Creditor Mailing List Loaded. (Filed By Michael Andrew McCann). (ckrus) Additional attachment(s) added on 6/20/2018 (ckrus). (Entered: 06/20/2018)
06/20/2018	 12 (32 pgs)	Adversary case 18-03168. Nature of Suit: (72 (Injunctive relief - other)) Complaint by Michael Andrew McCann against Spencer Plantation Investments Ltd . Receipt Number O, Fee Amount \$350 (ckrus) (Entered: 06/20/2018)
06/22/2018	 13 (2 pgs)	Meeting of Creditors, Proof of Claim deadline not set, 341(a) meeting to be held on 7/25/2018 at 10:30 AM at Houston, 515 Rusk Suite 3401. Financial Management Course due:9/24/2018. Last day to oppose discharge or dischargeability is 9/24/2018. Clerk to send Notice on Financial Management Requirement 9/10/2018. (JenniferOlson) (Entered: 06/22/2018)
06/24/2018	 14 (3 pgs)	BNC Certificate of Mailing - Meeting of Creditors. (Related document(s): 13 Meeting of Creditors Chapter 7 No Asset) No. of Notices: 6. Notice Date 06/24/2018. (Admin.) (Entered: 06/24/2018)
06/29/2018	 15 (26 pgs)	EMERGENCY Notice of Probable Contempt of Federal Jurisdiction. Filed by Michael Andrew McCann (than) Modified on 6/29/2018 (than). (Entered: 06/29/2018)

07/05/2018		Courtroom Minutes. Time Hearing Held: 2:00 PM. Appearances: M. McCann, R. Williams, M. Probus, and J. Patterson. (Related document(s): 1 Voluntary Petition (Chapter 7)). By close of business tomorrow, Mr. Probus is to file a proposed order striking doc. 15 . (rsal) (Entered: 07/06/2018)
07/06/2018	 16 (1 pg)	Proposed Order Submission After Hearing (Filed By Spencer Plantation Investments, Ltd.).(Related document(s): 15 Notice) (Probus, Matthew) (Entered: 07/06/2018)
07/06/2018	 17 (1 pg)	Order Striking Pleading (Related document(s): 15). Signed on 7/6/2018. (rsal) (Entered: 07/09/2018)
07/09/2018	 18 (1 pg)	Trustee's Notice of Assets & Request for Notice to Creditors Proofs of Claims due by 10/12/2018. (Williams, Randy) (Entered: 07/09/2018)
07/11/2018	 19 (2 pgs)	BNC Certificate of Mailing. (Related document(s): 18 Trustee's Request for Notice of Assets) No. of Notices: 6. Notice Date 07/11/2018. (Admin.) (Entered: 07/12/2018)
07/11/2018	 20 (2 pgs)	BNC Certificate of Mailing. (Related document(s): 17 Generic Order) No. of Notices: 2. Notice Date 07/11/2018. (Admin.) (Entered: 07/12/2018)
07/16/2018	 21 (3 pgs; 2 docs)	Emergency Motion <i>to Void Texas Court Orders and Processes which were Issued after Automatic Stay</i> Filed by Debtor Michael Andrew McCann (Attachments: # 1 Proposed Order) (kpico) (Entered: 07/16/2018)
07/19/2018	 22 (19 pgs)	Order: (1) Sua Sponte Retroactively Annulling the Automatic Stay to the Date of the Filing of the Debtor's Chapter 7 Petition; and (2) Denying the Debtor's Emergency Motion for an Order to Void Texas Court Orders and Processes which were Issued After Automatic Stay (Related documents: 1 & 21). Signed on 7/19/2018. (vatt) (Entered: 07/19/2018)
07/21/2018	 23 (20 pgs)	BNC Certificate of Mailing. (Related document(s): 22 Order on Emergency Motion) No. of Notices: 2. Notice Date 07/21/2018. (Admin.) (Entered: 07/22/2018)

07/26/2018		Meeting of Creditors Commenced. Continued by announcement at the meeting. Creditors meeting will be held on 8/8/2018 at 02:00 PM at Houston, 515 Rusk Suite 3401. Wells Fargo bank statements; amend schedule G Debtor appeared. (Williams, Randy) (Entered: 07/26/2018)
07/26/2018	 24 (47 pgs)	Order Requiring The Debtor To Personally Appear In Court And Show Cause Why He Should Not Be Sanctioned For Abuse Of The Bankruptcy Process (Related document(s): 1 Voluntary Petition (Chapter 7)). Show Cause Hearing to be held on 8/29/2018 at 10:00 AM at Houston, Courtroom 600 (JB). Signed on 7/26/2018. (vatt) (Entered: 07/26/2018)
07/29/2018	 25 (48 pgs)	BNC Certificate of Mailing. (Related document(s): 24 Order to Show Cause) No. of Notices: 2. Notice Date 07/29/2018. (Admin.) (Entered: 07/29/2018)
08/01/2018	 26 (9 pgs)	Emergency Motion of Chapter 7 Trustee to Approve Sale of Livestock Free and Clear of Liens, Claims, Interests, and Encumbrances Pursuant to 11 U.S.C. 363 Filed by Trustee Randy W Williams (Segura, Misty) (Entered: 08/01/2018)
08/01/2018	 27 (2 pgs)	Proposed Order RE: <i>Granting Emergency Consideration of Chapter 7 Trustee's Motion to Approve Sale of Livestock Free and Clear of Liens, Claims, Interests, and Encumbrances Pursuant to 11 U.S.C. 363</i> (Filed By Randy W Williams).(Related document(s): 26 Emergency Motion) (Segura, Misty) (Entered: 08/01/2018)
08/01/2018	 28 (3 pgs)	Proposed Order RE: <i>Approving Chapter 7 Trustee's Sale of Livestock Free and Clear of Liens, Claims, Interests, and Encumbrances Pursuant to 11 U.S.C. 363</i> (Filed By Randy W Williams).(Related document(s): 26 Emergency Motion) (Segura, Misty) (Entered: 08/01/2018)
08/02/2018	 29 (2 pgs)	Order Granting Emergency Consideration. Hearing on (Related document(s): 26 Emergency Motion to Approve Sale of Livestock) is scheduled for 8/3/2018 at 10:00 AM at Houston, Courtroom 600 (JB). Signed on 8/2/2018. (vatt) (Entered: 08/02/2018)

08/02/2018	 30 (3 pgs)	Witness List (Filed By Randy W Williams).(Related document(s): 26 Emergency Motion) (Segura, Misty) (Entered: 08/02/2018)
08/02/2018	 31 (3 pgs)	Notice of Hearing. (Related document(s): 26 Emergency Motion) Filed by Randy W Williams (Segura, Misty) (Entered: 08/02/2018)
08/02/2018	 32 (3 pgs)	Certificate of Service (Filed By Randy W Williams). (Related document(s): 29 Order Setting Hearing) (Segura, Misty) (Entered: 08/02/2018)
08/03/2018	 33 (3 pgs)	Order Approving Chapter 7 Trustee's Sale of Livestock Free and Clear of Liens, Claims, Interests, and Encumbrances (Related Doc # 26). Signed on 8/3/2018. (rsal) (Entered: 08/03/2018)
08/03/2018		Courtroom Minutes. Time Hearing Held: 10:00 AM. Appearances: M. Segura & R. Williams. (Related Document(s): 26 Motion to Sell Livestock). Witness: Randy Williams. For the reasons stated on the record, Motion Granted. Order Signed. (rsal) (Entered: 08/06/2018)
08/04/2018	 34 (3 pgs)	BNC Certificate of Mailing. (Related document(s): 29 Order Setting Hearing) No. of Notices: 2. Notice Date 08/04/2018. (Admin.) (Entered: 08/04/2018)
08/05/2018	 35 (4 pgs)	BNC Certificate of Mailing. (Related document(s): 33 Order on Emergency Motion) No. of Notices: 2. Notice Date 08/05/2018. (Admin.) (Entered: 08/05/2018)
08/09/2018	 36 (2 pgs)	Second Order Requiring The Debtor To Personally Appear In Court And Show Cause Why He Should Not Be Sanctioned For Failing To Schedule A Lease For Real Property Located In Brazoria County, Texas To Which He Is A Party (Related document(s): 1 Voluntary Petition (Chapter 7)). Show Cause Hearing to be held on 8/29/2018 at 10:00 AM at Houston, Courtroom 600 (JB). Signed on 8/9/2018. (vatt) (Entered: 08/09/2018)
	 37 (1 pg)	AO 435 TRANSCRIPT ORDER FORM (Daily (24 hours)) by Lance Duke. This is to order a transcript of 8/3/2018 before Judge Jeffrey Bohm. Court

08/10/2018		Reporter/Transcriber: Exceptional Reporting Services. (JesusGuajardo) (Entered: 08/10/2018)
08/11/2018	 38 (3 pgs)	BNC Certificate of Mailing. (Related document(s): 36 Order to Show Cause) No. of Notices: 2. Notice Date 08/11/2018. (Admin.) (Entered: 08/11/2018)
08/14/2018	 39 (23 pgs)	Transcript RE: MOTION TO SELL LIVESTOCK (DOC #26) held on 8/3/18 before Judge JEFF BOHM. Transcript is available for viewing in the Clerk's Office. Filed by Transcript access will be restricted through 11/13/2018. (thud) (Entered: 08/14/2018)
08/14/2018	 40 (11 pgs)	Praeipie to Judge Jeff Bohm by Michael Andrew McCann (dhan) (Entered: 08/14/2018)

United States Bankruptcy Court
Southern District of Texas
FILED

JUN 06 2018

David J. Bradley, Clerk of Court

Fill in this information to identify your case:

United States Bankruptcy Court for the:

Southern District of Texas

Case number (if known):

Chapter you are filing under:

- ☒ Chapter 7
☐ Chapter 11
☐ Chapter 12
☐ Chapter 13

☐ Check if this is an amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

12/17

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, "Do you own a car," the answer would be *yes* if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself

About Debtor 1:

About Debtor 2 (Spouse Only in a Joint Case):

1. Your full name

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Bring your picture identification to your meeting with the trustee.

MICHAEL

First name

ANDREW

Middle name

MCCANN

Last name

Suffix (Sr., Jr., II, III)

First name

Middle name

Last name

Suffix (Sr., Jr., II, III)

2. All other names you have used in the last 8 years

Include your married or maiden names.

N/A

First name

Middle name

Last name

N/A

First name

Middle name

Last name

First name

Middle name

Last name

First name

Middle name

Last name

3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)

XXX - XX - 5 3 1 9

OR

9 XX - XX - N / A

XXX - XX -

OR

9 XX - XX -

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known)

About Debtor 1:**About Debtor 2 (Spouse Only in a Joint Case):****4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years**

Include trade names and doing business as names

☒ I have not used any business names or EINs.

Business name

Business name

EIN

EIN

☐ I have not used any business names or EINs.

Business name

Business name

EIN

EIN

5. Where you live**If Debtor 2 lives at a different address:**

112 RED OAK

Number Street

BRAZORIA

City

TX

State

77422

ZIP Code

BRAZORIA

County

If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.

Number Street

P.O. BOX 66

P.O. Box

BRAZORIA

City

TX

State

77422

ZIP Code

Number Street

City

State

ZIP Code

County

If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to this mailing address.

Number Street

P.O. Box

City

State

ZIP Code

6. Why you are choosing this district to file for bankruptcy**Check one:**☒ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.☐ I have another reason. Explain.
(See 28 U.S.C. § 1408.)**Check one:**☐ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.☐ I have another reason. Explain.
(See 28 U.S.C. § 1408.)

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known)

Part 2: Tell the Court About Your Bankruptcy Case**7. The chapter of the Bankruptcy Code you are choosing to file under***Check one. (For a brief description of each, see Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)). Also, go to the top of page 1 and check the appropriate box.*

- ☒ Chapter 7
- ☐ Chapter 11
- ☐ Chapter 12
- ☐ Chapter 13

8. How you will pay the fee

- ☒ **I will pay the entire fee when I file my petition.** Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.
- ☐ **I need to pay the fee in installments.** If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).
- ☐ **I request that my fee be waived** (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.

9. Have you filed for bankruptcy within the last 8 years?

- ☐ No
- ☒ Yes. District S. HOUSTON When 11/08/2014 Case number ?
- MM / DD / YYYY
- District _____ When _____ Case number _____
- MM / DD / YYYY
- District _____ When _____ Case number _____
- MM / DD / YYYY

10. Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?

- ☒ No
- ☐ Yes. Debtor _____ Relationship to you _____
- District _____ When _____ Case number, if known _____
- MM / DD / YYYY
- Debtor _____ Relationship to you _____
- District _____ When _____ Case number, if known _____
- MM / DD / YYYY

11. Do you rent your residence?

- ☐ No. Go to line 12.
- ☒ Yes. Has your landlord obtained an eviction judgment against you?
- ☒ No. Go to line 12.
- ☐ Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it as part of this bankruptcy petition.

Debtor 1 **MICHAEL ANDREW MCCANN**
First Name Middle Name Last Name

Case number (if known) _____

Part 3: Report About Any Businesses You Own as a Sole Proprietor**12. Are you a sole proprietor of any full- or part-time business?**☒ No. Go to Part 4.☐ Yes. Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

Name of business, if any _____

Number _____ Street _____

City _____

State _____

ZIP Code _____

Check the appropriate box to describe your business:

☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))☐ None of the above**13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a small business debtor?**

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

☒ No. I am not filing under Chapter 11.☐ No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.☐ Yes. I am filing under Chapter 11 and I am a small business debtor according to the definition in the Bankruptcy Code.**Part 4: Report If You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention****14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?**☒ No☐ Yes. What is the hazard? _____

If immediate attention is needed, why is it needed? _____

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

Where is the property? _____

Number _____ Street _____

City _____

State _____

ZIP Code _____

Debtor 1

MICHAEL ANDREW MCCANN
 First Name Middle Name Last Name

Case number (if known)

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling**15. Tell the court whether you have received a briefing about credit counseling.**

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:

You must check one:

☒ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

☐ I am not required to receive a briefing about credit counseling because of:

☐ **Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

☐ **Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

☐ **Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

☐ I am not required to receive a briefing about credit counseling because of:

☐ **Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

☐ **Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

☐ **Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known)

Part 6: Answer These Questions for Reporting Purposes**16. What kind of debts do you have?****16a. Are your debts primarily consumer debts?** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

- ☐ No. Go to line 16b.
☒ Yes. Go to line 17.

16b. Are your debts primarily business debts? *Business debts* are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.

- ☐ No. Go to line 16c.
☐ Yes. Go to line 17.

16c. State the type of debts you owe that are not consumer debts or business debts.**17. Are you filing under Chapter 7?**☐ No. I am not filing under Chapter 7. Go to line 18.

Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?

- ☒ Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?
- ☐ No
☒ Yes

18. How many creditors do you estimate that you owe?

- ☒ 1-49
☐ 50-99
☐ 100-199
☐ 200-999
- ☐ 1,000-5,000
☐ 5,001-10,000
☐ 10,001-25,000
- ☐ 25,001-50,000
☐ 50,001-100,000
☐ More than 100,000

19. How much do you estimate your assets to be worth?

- ☐ \$0-\$50,000
☐ \$50,001-\$100,000
☒ \$100,001-\$500,000
☐ \$500,001-\$1 million
- ☐ \$1,000,001-\$10 million
☐ \$10,000,001-\$50 million
☐ \$50,000,001-\$100 million
☐ \$100,000,001-\$500 million
- ☐ \$500,000,001-\$1 billion
☐ \$1,000,000,001-\$10 billion
☐ \$10,000,000,001-\$50 billion
☐ More than \$50 billion

20. How much do you estimate your liabilities to be?

- ☐ \$0-\$50,000
☐ \$50,001-\$100,000
☒ \$100,001-\$500,000
☐ \$500,001-\$1 million
- ☐ \$1,000,001-\$10 million
☐ \$10,000,001-\$50 million
☐ \$50,000,001-\$100 million
☐ \$100,000,001-\$500 million
- ☐ \$500,000,001-\$1 billion
☐ \$1,000,000,001-\$10 billion
☐ \$10,000,000,001-\$50 billion
☐ More than \$50 billion

Part 7: Sign Below**For you**

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both.

18 U.S.C. §§ 152, 1341, 1519, and 3571

x  x

Signature of Debtor 1

Signature of Debtor 2

Executed on

6 6 2018

Executed on

MM / DD / YYYY

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known)

For your attorney, if you are represented by one

If you are not represented by an attorney, you do not need to file this page.

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

X N/A

Signature of Attorney for Debtor

Date

MM / DD / YYYY

Printed name

Firm name

Number Street

City

State

ZIP Code

Contact phone

Email address

Bar number

State

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known)

For you if you are filing this bankruptcy without an attorney

If you are represented by an attorney, you do not need to file this page.

The law allows you, as an individual, to represent yourself in bankruptcy court, but **you should understand that many people find it extremely difficult to represent themselves successfully. Because bankruptcy has long-term financial and legal consequences, you are strongly urged to hire a qualified attorney.**

To be successful, you must correctly file and handle your bankruptcy case. The rules are very technical, and a mistake or inaction may affect your rights. For example, your case may be dismissed because you did not file a required document, pay a fee on time, attend a meeting or hearing, or cooperate with the court, case trustee, U.S. trustee, bankruptcy administrator, or audit firm if your case is selected for audit. If that happens, you could lose your right to file another case, or you may lose protections, including the benefit of the automatic stay.

You must list all your property and debts in the schedules that you are required to file with the court. Even if you plan to pay a particular debt outside of your bankruptcy, you must list that debt in your schedules. If you do not list a debt, the debt may not be discharged. If you do not list property or properly claim it as exempt, you may not be able to keep the property. The judge can also deny you a discharge of all your debts if you do something dishonest in your bankruptcy case, such as destroying or hiding property, falsifying records, or lying. Individual bankruptcy cases are randomly audited to determine if debtors have been accurate, truthful, and complete. **Bankruptcy fraud is a serious crime; you could be fined and imprisoned.**

If you decide to file without an attorney, the court expects you to follow the rules as if you had hired an attorney. The court will not treat you differently because you are filing for yourself. To be successful, you must be familiar with the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the local rules of the court in which your case is filed. You must also be familiar with any state exemption laws that apply.

Are you aware that filing for bankruptcy is a serious action with long-term financial and legal consequences?

- ☐ No
☒ Yes

Are you aware that bankruptcy fraud is a serious crime and that if your bankruptcy forms are inaccurate or incomplete, you could be fined or imprisoned?

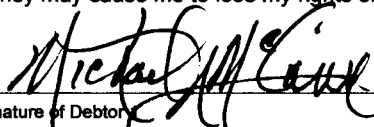
- ☐ No
☒ Yes

Did you pay or agree to pay someone who is not an attorney to help you fill out your bankruptcy forms?

- ☒ No
☐ Yes. Name of Person _____

Attach *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119).

By signing here, I acknowledge that I understand the risks involved in filing without an attorney. I have read and understood this notice, and I am aware that filing a bankruptcy case without an attorney may cause me to lose my rights or property if I do not properly handle the case.

x 
 Signature of Debtor
 Date 6/6/2018
 MM / DD / YYYY

x N/A

Signature of Debtor 2

Date _____
 MM / DD / YYYY

Contact phone _____

Contact phone _____

Cell phone (979) 299-4080

Cell phone _____

Email address SILVER4925@GMAIL.COM

Email address _____

United States Courts
Southern District of Texas
FILED

JUN 20 2018

David J. Bradley, Clerk of Court

Fill in this information to identify your case and this filing:

Debtor 1 MICHAEL ANDREW MCCANN
 First Name Middle Name Last Name

Debtor 2 _____
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Southern District of Texas

Case number 18-33152

☐ Check if this is an amended filing

Official Form 106A/B

Schedule A/B: Property

12/15

In each category, separately list and describe items. List an asset only once. If an asset fits in more than one category, list the asset in the category where you think it fits best. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In

1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?

- ☐ No. Go to Part 2.
- ☐ Yes. Where is the property?

1.1. FM 521
 Street address, if available, or other description

Brazoria County

City State ZIP Code

County

What is the property? Check all that apply.

- ☐ Single-family home
- ☐ Duplex or multi-unit building
- ☐ Condominium or cooperative
- ☐ Manufactured or mobile home
- ☒ Land
- ☐ Investment property
- ☐ Timeshare
- ☐ Other _____

Do not deduct secured claims or exemptions. Put the amount of any secured claims on Schedule D: Creditors Who Have Claims Secured by Property.

Current value of the entire property? \$ 250,000.00

Current value of the portion you own? \$ _____

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

Possessory Rights fee simple

Who has an interest in the property? Check one.

- ☒ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Other information you wish to add about this item, such as local property identification number: _____

If you own or have more than one, list here:

1.2. N/A
 Street address, if available, or other description

City State ZIP Code

County

What is the property? Check all that apply.

- ☐ Single-family home
- ☐ Duplex or multi-unit building
- ☐ Condominium or cooperative
- ☐ Manufactured or mobile home
- ☐ Land
- ☐ Investment property
- ☐ Timeshare
- ☐ Other _____

Do not deduct secured claims or exemptions. Put the amount of any secured claims on Schedule D: Creditors Who Have Claims Secured by Property.

Current value of the entire property? \$ _____

Current value of the portion you own? \$ _____

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Other information you wish to add about this item, such as local property identification number: _____

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known) 18-33152

1.3. N/A
 Street address, if available, or other description

 City State ZIP Code

 County _____

What is the property? Check all that apply.

- ☐ Single-family home
☐ Duplex or multi-unit building
☐ Condominium or cooperative
☐ Manufactured or mobile home
☐ Land
☐ Investment property
☐ Timeshare
☐ Other _____

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? \$ _____
 Current value of the portion you own? \$ _____

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Other information you wish to add about this item, such as local property identification number: _____

2. Add the dollar value of the portion you own for all of your entries from Part 1, including any entries for pages you have attached for Part 1. Write that number here. _____ →

\$ 250,000.00

Part 2: Describe Your Vehicles

Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. If you lease a vehicle, also report it on *Schedule G: Executory Contracts and Unexpired Leases*.

3. Cars, vans, trucks, tractors, sport utility vehicles, motorcycles

- ☒ No
☐ Yes

3.1. Make: _____
 Model: _____
 Year: _____
 Approximate mileage: _____
 Other information:

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? \$ _____
 Current value of the portion you own? \$ _____

☐ Check if this is community property (see instructions)

If you own or have more than one, describe here:

3.2. Make: _____
 Model: _____
 Year: _____
 Approximate mileage: _____
 Other information:

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? \$ _____
 Current value of the portion you own? \$ _____

☐ Check if this is community property (see instructions)

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known) 18-33152

3.3. Make: N/A
 Model: _____
 Year: _____
 Approximate mileage: _____
 Other information:

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? Current value of the portion you own?

\$ _____ \$ _____

3.4. Make: N/A
 Model: _____
 Year: _____
 Approximate mileage: _____
 Other information:

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? Current value of the portion you own?

\$ _____ \$ _____

4. Watercraft, aircraft, motor homes, ATVs and other recreational vehicles, other vehicles, and accessories

Examples: Boats, trailers, motors, personal watercraft, fishing vessels, snowmobiles, motorcycle accessories

- ☐ No
☐ Yes

4.1. Make: N/A
 Model: _____
 Year: _____
 Other information:

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? Current value of the portion you own?

\$ _____ \$ _____

If you own or have more than one, list here:

4.2. Make: N/A
 Model: _____
 Year: _____
 Other information:

Who has an interest in the property? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

☐ Check if this is community property (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property? Current value of the portion you own?

\$ _____ \$ _____

5. Add the dollar value of the portion you own for all of your entries from Part 2, including any entries for pages you have attached for Part 2. Write that number here



\$ 0.00

Debtor 1

MICHAEL ANDREW MCCANN

First Name

Middle Name

Last Name

Case number (if known) 18-33152

Part 3: Describe Your Personal and Household Items

Do you own or have any legal or equitable interest in any of the following items?

Current value of the portion you own?

Do not deduct secured claims or exemptions.

6. Household goods and furnishings*Examples:* Major appliances, furniture, linens, china, kitchenware☐ No☒ Yes. Describe.....

\$ 3,000.00

7. Electronics*Examples:* Televisions and radios; audio, video, stereo, and digital equipment; computers, printers, scanners; music collections; electronic devices including cell phones, cameras, media players, games☐ No☒ Yes. Describe.....

\$ 2,500.00

8. Collectibles of value*Examples:* Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; stamp, coin, or baseball card collections; other collections, memorabilia, collectibles☐ No☒ Yes. Describe.....

Books

\$ 2,000.00

9. Equipment for sports and hobbies*Examples:* Sports, photographic, exercise, and other hobby equipment; bicycles, pool tables, golf clubs, skis; canoes and kayaks; carpentry tools; musical instruments☐ No☒ Yes. Describe.....

Golf Clubs

\$ 1,000.00

10. Firearms*Examples:* Pistols, rifles, shotguns, ammunition, and related equipment☒ No☐ Yes. Describe.....

\$

11. Clothes*Examples:* Everyday clothes, furs, leather coats, designer wear, shoes, accessories☐ No☒ Yes. Describe.....

clothes, shoes, accessories

\$ 1,500.00

12. Jewelry*Examples:* Everyday jewelry, costume jewelry, engagement rings, wedding rings, heirloom jewelry, watches, gems, gold, silver☐ No☒ Yes. Describe.....

rings, watches

\$ 500.00

13. Non-farm animals*Examples:* Dogs, cats, birds, horses☒ No☐ Yes. Describe.....

\$

14. Any other personal and household items you did not already list, including any health aids you did not list☒ No☐ Yes. Give specific information.

\$

15. Add the dollar value of all of your entries from Part 3, including any entries for pages you have attached for Part 3. Write that number here →

\$ 10,500.00

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known) 18-33152

Part 4: Describe Your Financial Assets

Do you own or have any legal or equitable interest in any of the following?

Current value of the portion you own?
Do not deduct secured claims or exemptions.

16. Cash

Examples: Money you have in your wallet, in your home, in a safe deposit box, and on hand when you file your petition

☐ No☒ Yes Cash: \$ 435.00**17. Deposits of money**

Examples: Checking, savings, or other financial accounts; certificates of deposit; shares in credit unions, brokerage houses, and other similar institutions. If you have multiple accounts with the same institution, list each.

☐ No☒ Yes

Institution name:

17.1. Checking account:	<u>Wells Fargo</u>	\$ <u>200.00</u>
17.2. Checking account:	_____	\$ _____
17.3. Savings account:	_____	\$ _____
17.4. Savings account:	_____	\$ _____
17.5. Certificates of deposit:	_____	\$ _____
17.6. Other financial account:	_____	\$ _____
17.7. Other financial account:	_____	\$ _____
17.8. Other financial account:	_____	\$ _____
17.9. Other financial account:	_____	\$ _____

18. Bonds, mutual funds, or publicly traded stocks

Examples: Bond funds, investment accounts with brokerage firms, money market accounts

☒ No☐ Yes

Institution or issuer name:

_____	\$ _____
_____	\$ _____
_____	\$ _____

19. Non-publicly traded stock and interests in incorporated and unincorporated businesses, including an interest in an LLC, partnership, and joint venture☒ No☐ Yes. Give specific information about them.....

Name of entity:

% of ownership:

_____	<u>0%</u> %	\$ _____
_____	<u>0%</u> %	\$ _____
_____	<u>0%</u> %	\$ _____

Debtor 1

MICHAEL ANDREW MCCANN

First Name

Middle Name

Last Name

Case number (if known) **18-33152****20. Government and corporate bonds and other negotiable and non-negotiable instruments***Negotiable instruments* include personal checks, cashiers' checks, promissory notes, and money orders.*Non-negotiable instruments* are those you cannot transfer to someone by signing or delivering them.☒ No☐ Yes. Give specific information about them.....

Issuer name:

_____ \$ _____

_____ \$ _____

_____ \$ _____

21. Retirement or pension accounts*Examples:* Interests in IRA, ERISA, Keogh, 401(k), 403(b), thrift savings accounts, or other pension or profit-sharing plans☒ No☐ Yes. List each

account separately.

Type of account:

Institution name:

401(k) or similar plan: _____ \$ _____

Pension plan: _____ \$ _____

IRA: _____ \$ _____

Retirement account: _____ \$ _____

Keogh: _____ \$ _____

Additional account: _____ \$ _____

Additional account: _____ \$ _____

22. Security deposits and prepayments

Your share of all unused deposits you have made so that you may continue service or use from a company

Examples: Agreements with landlords, prepaid rent, public utilities (electric, gas, water), telecommunications companies, or others☐ No☒ Yes

Institution name or individual:

Electric: _____ \$ _____

Gas: _____ \$ _____

Heating oil: _____ \$ _____

Security deposit on rental unit: Steve Millican \$ 500.00

Prepaid rent: _____ \$ _____

Telephone: _____ \$ _____

Water: _____ \$ _____

Rented furniture: _____ \$ _____

Other: _____ \$ _____

23. Annuities (A contract for a periodic payment of money to you, either for life or for a number of years)☒ No☐ Yes

Issuer name and description:

_____ \$ _____

_____ \$ _____

_____ \$ _____

Debtor 1

MICHAEL ANDREW MCCANN

First Name

Middle Name

Last Name

Case number (if known) 18-33152

24. Interests in an education IRA, in an account in a qualified ABLE program, or under a qualified state tuition program.

26 U.S.C. §§ 530(b)(1), 529A(b), and 529(b)(1).

☒ No☐ Yes

Institution name and description. Separately file the records of any interests. 11 U.S.C. § 521(c):

_____	\$ _____
_____	\$ _____
_____	\$ _____

25. Trusts, equitable or future interests in property (other than anything listed in line 1), and rights or powers exercisable for your benefit

☒ No☐ Yes. Give specific information about them....

_____	\$ _____
-------	----------

26. Patents, copyrights, trademarks, trade secrets, and other intellectual property

Examples: Internet domain names, websites, proceeds from royalties and licensing agreements

☒ No☐ Yes. Give specific information about them....

_____	\$ _____
-------	----------

27. Licenses, franchises, and other general intangibles

Examples: Building permits, exclusive licenses, cooperative association holdings, liquor licenses, professional licenses

☐ No☒ Yes. Give specific information about them....

Dental License in the State of Texas

_____	\$ _____
-------	----------

Money or property owed to you?

Current value of the portion you own?
Do not deduct secured claims or exemptions.

28. Tax refunds owed to you

☒ No☐ Yes. Give specific information about them, including whether you already filed the returns and the tax years.

_____	Federal: \$ _____
_____	State: \$ _____
_____	Local: \$ _____

29. Family support

Examples: Past due or lump sum alimony, spousal support, child support, maintenance, divorce settlement, property settlement

☒ No☐ Yes. Give specific information.

_____	Alimony: \$ _____
_____	Maintenance: \$ _____
_____	Support: \$ _____
_____	Divorce settlement: \$ _____
_____	Property settlement: \$ _____

30. Other amounts someone owes you

Examples: Unpaid wages, disability insurance payments, disability benefits, sick pay, vacation pay, workers' compensation, Social Security benefits; unpaid loans you made to someone else

☒ No☐ Yes. Give specific information.

_____	\$ _____
-------	----------

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known) **18-33152****31. Interests in insurance policies***Examples:* Health, disability, or life insurance; health savings account (HSA); credit, homeowner's, or renter's insurance☒ No☐ Yes. Name the insurance company of each policy and list its value. ... Company name: Beneficiary: Surrender or refund value:

\$ _____

\$ _____

\$ _____

32. Any interest in property that is due you from someone who has died

If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, or are currently entitled to receive property because someone has died.

☒ No☐ Yes. Give specific information. \$ _____**33. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment***Examples:* Accidents, employment disputes, insurance claims, or rights to sue☐ No☒ Yes. Describe each claim. Claim to property \$ _____**34. Other contingent and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims**☐ No☒ Yes. Describe each claim. Claim to property \$ _____**35. Any financial assets you did not already list**☐ No☐ Yes. Give specific information. \$ _____**36. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached for Part 4. Write that number here** →\$ **1,135.00****Part 5: Describe Any Business-Related Property You Own or Have an Interest In. List any real estate in Part 1.****37. Do you own or have any legal or equitable interest in any business-related property?**☒ No. Go to Part 6.☐ Yes. Go to line 38.**Current value of the portion you own?**

Do not deduct secured claims or exemptions.

38. Accounts receivable or commissions you already earned☒ No☐ Yes. Describe. \$ _____**39. Office equipment, furnishings, and supplies***Examples:* Business-related computers, software, modems, printers, copiers, fax machines, rugs, telephones, desks, chairs, electronic devices☒ No☐ Yes. Describe. \$ _____

Debtor 1

MICHAEL ANDREW MCCANN

First Name

Middle Name

Last Name

Case number (if known) **18-33152****40. Machinery, fixtures, equipment, supplies you use in business, and tools of your trade**☒ No☐ Yes. Describe.....

\$

41. Inventory☒ No☐ Yes. Describe.....

\$

42. Interests in partnerships or joint ventures☒ No☐ Yes. Describe.....

Name of entity:

% of ownership:

%

\$

%

\$

%

\$

43. Customer lists, mailing lists, or other compilations☐ No☒ Yes. Do your lists include personally identifiable information (as defined in 11 U.S.C. § 101(41A))?☐ No☒ Yes. Describe.....

Patient private information HIPAA

\$

44. Any business-related property you did not already list☒ No☐ Yes. Give specific information

\$

\$

\$

\$

\$

\$

45. Add the dollar value of all of your entries from Part 5, including any entries for pages you have attached for Part 5. Write that number here →

\$

Part 6:**Describe Any Farm- and Commercial Fishing-Related Property You Own or Have an Interest In.**
If you own or have an interest in farmland, list it in Part 1.**46. Do you own or have any legal or equitable interest in any farm- or commercial fishing-related property?**☐ No. Go to Part 7.☒ Yes. Go to line 47.**Current value of the portion you own?**

Do not deduct secured claims or exemptions.

47. Farm animals

Examples: Livestock, poultry, farm-raised fish

☐ No☒ Yes.....

Horses, cattle, poultry

\$

10,000.00

Debtor 1

MICHAEL ANDREW MCCANN

First Name

Middle Name

Last Name

Case number (if known) 18-33152

48. Crops—either growing or harvested

☒ No☐ Yes. Give specific information.....

\$ _____

49. Farm and fishing equipment, implements, machinery, fixtures, and tools of trade

☒ No☐ Yes.....

\$ _____

50. Farm and fishing supplies, chemicals, and feed

☒ No☐ Yes.....

\$ _____

51. Any farm- and commercial fishing-related property you did not already list

☒ No☐ Yes. Give specific information.....

\$ _____

52. Add the dollar value of all of your entries from Part 6, including any entries for pages you have attached for Part 6. Write that number here

\$ 10,000.00

Part 7: Describe All Property You Own or Have an Interest in That You Did Not List Above

53. Do you have other property of any kind you did not already list?

Examples: Season tickets, country club membership

☒ No☐ Yes. Give specific information.....

\$ _____

\$ _____

\$ _____

54. Add the dollar value of all of your entries from Part 7. Write that number here

\$ _____

Part 8: List the Totals of Each Part of this Form

55. Part 1: Total real estate, line 2 → \$ 250,000.00

56. Part 2: Total vehicles, line 5 \$ 0.00

57. Part 3: Total personal and household items, line 15 \$ 10,500.00

58. Part 4: Total financial assets, line 36 \$ 1,135.00

59. Part 5: Total business-related property, line 45 \$ _____

60. Part 6: Total farm- and fishing-related property, line 52 \$ 10,000.00

61. Part 7: Total other property not listed, line 54 + \$ _____

62. Total personal property. Add lines 56 through 61. \$ 21,635.00 Copy personal property total → + \$ 21,635.00

63. Total of all property on Schedule A/B. Add line 55 + line 62. \$ 271,635.00

Fill in this information to identify your case:

Debtor 1	MICHAEL ANDREW MCCANN		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the Southern District of Texas			
Case number (If known)	18-33152		

☐ Check if this is an amended filing

Official Form 106C

Schedule C: The Property You Claim as Exempt

04/16

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 106A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions—such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds—may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

Part 1: Identify the Property You Claim as Exempt

1. Which set of exemptions are you claiming? Check one only, even if your spouse is filing with you.

- ☒ You are claiming state and federal nonbankruptcy exemptions. 11 U.S.C. § 522(b)(3)
☐ You are claiming federal exemptions. 11 U.S.C. § 522(b)(2)

2. For any property you list on *Schedule A/B* that you claim as exempt, fill in the information below.

Brief description of the property and line on <i>Schedule A/B</i> that lists this property	Current value of the portion you own Copy the value from <i>Schedule A/B</i>	Amount of the exemption you claim Check only one box for each exemption.	Specific laws that allow exemption
Brief description: _____ Line from <i>Schedule A/B</i> : _____	\$ _____	<input type="checkbox"/> \$ _____ <input checked="" type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____
Brief description: <u>Personal and hhold</u> Line from <i>Schedule A/B</i> : <u>3</u>	\$ <u>10,500.00</u>	<input type="checkbox"/> \$ _____ <input checked="" type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____
Brief description: _____ Line from <i>Schedule A/B</i> : _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____

3. Are you claiming a homestead exemption of more than \$160,375?

(Subject to adjustment on 4/01/19 and every 3 years after that for cases filed on or after the date of adjustment.)

- ☒ No
☐ Yes. Did you acquire the property covered by the exemption within 1,215 days before you filed this case?
☐ No
☐ Yes

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known) **18-33152****Part 2: Additional Page**

Brief description of the property and line on Schedule A/B that lists this property	Current value of the portion you own Copy the value from Schedule A/B	Amount of the exemption you claim Check only one box for each exemption	Specific laws that allow exemption
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____
Brief description: _____ Line from Schedule A/B: _____	\$ _____	<input type="checkbox"/> \$ _____ <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	_____

Fill in this information to identify your case:

Debtor 1 **MICHAEL ANDREW MCCANN**
 First Name Middle Name Last Name

Debtor 2
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Southern District of Texas

Case number **18-33152**
 (If known)

☐ Check if this is an amended filing

Official Form 106D

Schedule D: Creditors Who Have Claims Secured by Property

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, number the entries, and attach it to this form. On the top of any additional pages, write your name and case number (if known).

1. Do any creditors have claims secured by your property?

- ☐ No. Check this box and submit this form to the court with your other schedules. You have nothing else to report on this form.
- ☒ Yes. Fill in all of the information below.

Part 1: List All Secured Claims

2. List all secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim. If more than one creditor has a particular claim, list the other creditors in Part 2. As much as possible, list the claims in alphabetical order according to the creditor's name.

Column A
Amount of claim
Do not deduct the
value of collateral.

Column B
Value of collateral
that supports this
claim

Column C
Unsecured
portion
if any

2.1 Spencer Plantation, LTD

Describe the property that secures the claim:

\$ 380,000. \$ \$

Creditor's Name
313 W. Texas
Number Street

75 acres

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent
☒ Unliquidated
☒ Disputed

Nature of lien. Check all that apply.

- ☐ An agreement you made (such as mortgage or secured car loan)
☒ Statutory lien (such as tax lien, mechanic's lien)
☐ Judgment lien from a lawsuit
☐ Other (including a right to offset)

Who owes the debt? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

☐ Check if this claim relates to a community debt

Date debt was incurred 10/24/2014

Last 4 digits of account number

2.2

Describe the property that secures the claim:

\$ \$ \$

Creditor's Name

Number Street

City State ZIP Code

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent
☐ Unliquidated
☐ Disputed

Nature of lien. Check all that apply.

- ☐ An agreement you made (such as mortgage or secured car loan)
☐ Statutory lien (such as tax lien, mechanic's lien)
☐ Judgment lien from a lawsuit
☐ Other (including a right to offset)

Who owes the debt? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

☐ Check if this claim relates to a community debt

Date debt was incurred

Last 4 digits of account number

Add the dollar value of your entries in Column A on this page. Write that number here:

380,000.

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known) 18-33152

Part 1:

Additional Page

After listing any entries on this page, number them beginning with 2.3, followed by 2.4, and so forth.

Column A

Amount of claim
Do not deduct the
value of collateral.

Column B

Value of collateral
that supports this
claim

Column C

Unsecured
portion
if any

Describe the property that secures the claim:

\$ \$ \$

Creditor's Name

Number Street

City State ZIP Code

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent
☐ Unliquidated
☐ Disputed

Nature of lien. Check all that apply.

- ☐ An agreement you made (such as mortgage or secured car loan)
☐ Statutory lien (such as tax lien, mechanic's lien)
☐ Judgment lien from a lawsuit
☐ Other (including a right to offset) _____

Who owes the debt? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim relates to a community debt

Date debt was incurred _____

Last 4 digits of account number _____

Describe the property that secures the claim:

\$ \$ \$

Creditor's Name

Number Street

City State ZIP Code

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent
☐ Unliquidated
☐ Disputed

Nature of lien. Check all that apply.

- ☐ An agreement you made (such as mortgage or secured car loan)
☐ Statutory lien (such as tax lien, mechanic's lien)
☐ Judgment lien from a lawsuit
☐ Other (including a right to offset) _____

Who owes the debt? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim relates to a community debt

Date debt was incurred _____

Last 4 digits of account number _____

Describe the property that secures the claim:

\$ \$ \$

Creditor's Name

Number Street

City State ZIP Code

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent
☐ Unliquidated
☐ Disputed

Nature of lien. Check all that apply.

- ☐ An agreement you made (such as mortgage or secured car loan)
☐ Statutory lien (such as tax lien, mechanic's lien)
☐ Judgment lien from a lawsuit
☐ Other (including a right to offset) _____

Who owes the debt? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim relates to a community debt

Date debt was incurred _____

Last 4 digits of account number _____

Add the dollar value of your entries in Column A on this page. Write that number here:

If this is the last page of your form, add the dollar value totals from all pages.

Write that number here:

\$
\$

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known) **18-33152****Part 2: List Others to Be Notified for a Debt That You Already Listed**

Use this page only if you have others to be notified about your bankruptcy for a debt that you already listed in Part 1. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the creditor in Part 1, and then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Part 1, list the additional creditors here. If you do not have additional persons to be notified for any debts in Part 1, do not fill out or submit this page.

☐

Name

Number Street

City State ZIP Code

On which line in Part 1 did you enter the creditor? _____

Last 4 digits of account number _____

☐

Name

Number Street

City State ZIP Code

On which line in Part 1 did you enter the creditor? _____

Last 4 digits of account number _____

☐

Name

Number Street

City State ZIP Code

On which line in Part 1 did you enter the creditor? _____

Last 4 digits of account number _____

☐

Name

Number Street

City State ZIP Code

On which line in Part 1 did you enter the creditor? _____

Last 4 digits of account number _____

☐

Name

Number Street

City State ZIP Code

On which line in Part 1 did you enter the creditor? _____

Last 4 digits of account number _____

☐

Name

Number Street

City State ZIP Code

On which line in Part 1 did you enter the creditor? _____

Last 4 digits of account number _____

Fill in this information to identify your case:

Debtor 1	MICHAEL ANDREW MCCANN		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: Southern District of Texas			
Case number (if known)	18-33152		

☐ Check if this is an amended filing

Official Form 106E/F

Schedule E/F: Creditors Who Have Unsecured Claims

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY claims and Part 2 for creditors with NONPRIORITY claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on Schedule A/B: Property (Official Form 106A/B) and on Schedule G: Executory Contracts and Unexpired Leases (Official Form 106G). Do not include any creditors with partially secured claims that are listed in Schedule D: Creditors Who Have Claims Secured by Property. If more space is needed, copy the Part you need, fill it out, number the entries in the boxes on the left. Attach the Continuation Page to this page. On the top of any additional pages, write your name and case number (if known).

Part 1: List All of Your PRIORITY Unsecured Claims

1. Do any creditors have priority unsecured claims against you?

- ☐ No. Go to Part 2.
☒ Yes.

2. List all of your priority unsecured claims. If a creditor has more than one priority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. If a claim has both priority and nonpriority amounts, list that claim here and show both priority and nonpriority amounts. As much as possible, list the claims in alphabetical order according to the creditor's name. If you have more than two priority unsecured claims, fill out the Continuation Page of Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3.

(For an explanation of each type of claim, see the instructions for this form in the instruction booklet.)

Total claim	Priority amount	Nonpriority amount
-------------	-----------------	--------------------

2.1

Jerry M. Russell

Priority Creditor's Name

Last 4 digits of account number _____ \$ 10,000.00 \$ _____ \$ _____

When was the debt incurred? _____

Number Street
 P.O. Box 199
 Brazoria TX 77422
 City State ZIP Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☐ No
☐ Yes

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent
☐ Unliquidated
☒ Disputed

Type of PRIORITY unsecured claim:

- ☐ Domestic support obligations
☐ Taxes and certain other debts you owe the government
☐ Claims for death or personal injury while you were intoxicated
☐ Other. Specify Surety for Bond

2.2

John David Crouch

Priority Creditor's Name

Last 4 digits of account number _____ \$ 10,000.00 \$ _____ \$ _____

When was the debt incurred? _____

Number Street
 7660 County Rd. 684C
 Sweeny Tx 77480
 City State ZIP Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☐ No
☐ Yes

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent
☐ Unliquidated
☒ Disputed

Type of PRIORITY unsecured claim:

- ☐ Domestic support obligations
☐ Taxes and certain other debts you owe the government
☐ Claims for death or personal injury while you were intoxicated
☐ Other. Specify Surety for Bond

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known) 18-33152

0425

Part 1: Your PRIORITY Unsecured Claims – Continuation Page

After listing any entries on this page, number them beginning with 2.3, followed by 2.4, and so forth.

Total claim

Priority
amountNonpriority
amount**2.4**

Steve Millican

Priority Creditor's Name

Last 4 digits of account number

\$ 500.00

\$

\$

When was the debt incurred? 10/01/2015

As of the date you file, the claim is: Check all that apply.

- ☒ Contingent
☐ Unliquidated
☐ Disputed

Type of PRIORITY unsecured claim:

- ☐ Domestic support obligations
☐ Taxes and certain other debts you owe the government
☐ Claims for death or personal injury while you were intoxicated
☐ Other. Specify Lease

Number Street

5413 Santa Marie

Ft. Worth

Tx

76114

City

State

ZIP Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☐ No
☐ Yes

2.5

Verizon

Priority Creditor's Name

Last 4 digits of account number

1 7 5 2

\$ 1,000.00

\$

\$

When was the debt incurred? 11/01/2017

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent
☐ Unliquidated
☒ Disputed

Type of PRIORITY unsecured claim:

- ☐ Domestic support obligations
☐ Taxes and certain other debts you owe the government
☐ Claims for death or personal injury while you were intoxicated
☒ Other. Specify Contract dispute

Number Street

P.O. Box 291089

Columbia

SC

29229

City

State

ZIP Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☐ No
☐ Yes

2.5

Spencer Plantation, LTD

Priority Creditor's Name

Last 4 digits of account number

\$ 280,000.00

\$

\$

When was the debt incurred? 10/26/2014

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent
☐ Unliquidated
☒ Disputed

Type of PRIORITY unsecured claim:

- ☐ Domestic support obligations
☐ Taxes and certain other debts you owe the government
☐ Claims for death or personal injury while you were intoxicated
☒ Other. Specify by counterfeit security

Number Street

313 W. Texas

Brazoria

Tx

77422

City

State

ZIP Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☒ No
☐ Yes

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known) **18-33152****0426****Part 2: List All of Your NONPRIORITY Unsecured Claims****3. Do any creditors have nonpriority unsecured claims against you?**

- ☒ No. You have nothing to report in this part. Submit this form to the court with your other schedules.
☐ Yes

4. List all of your nonpriority unsecured claims in the alphabetical order of the creditor who holds each claim. If a creditor has more than one nonpriority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. Do not list claims already included in Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3. If you have more than three nonpriority unsecured claims fill out the Continuation Page of Part 2.

4.1	<p>Nonpriority Creditor's Name _____</p> <p>Number _____ Street _____</p> <p>City _____ State _____ ZIP Code _____</p> <p>Who incurred the debt? Check one.</p> <p><input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another</p> <p><input type="checkbox"/> Check if this claim is for a community debt</p> <p>Is the claim subject to offset?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes</p>	Total claim	<p>Last 4 digits of account number _____ \$ _____</p> <p>When was the debt incurred? _____</p> <p>As of the date you file, the claim is: Check all that apply.</p> <p><input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed</p> <p>Type of NONPRIORITY unsecured claim:</p> <p><input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input type="checkbox"/> Other. Specify _____</p>
4.2	<p>Nonpriority Creditor's Name _____</p> <p>Number _____ Street _____</p> <p>City _____ State _____ ZIP Code _____</p> <p>Who incurred the debt? Check one.</p> <p><input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another</p> <p><input type="checkbox"/> Check if this claim is for a community debt</p> <p>Is the claim subject to offset?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes</p>		<p>Last 4 digits of account number _____ \$ _____</p> <p>When was the debt incurred? _____</p> <p>As of the date you file, the claim is: Check all that apply.</p> <p><input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed</p> <p>Type of NONPRIORITY unsecured claim:</p> <p><input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input type="checkbox"/> Other. Specify _____</p>
4.3	<p>Nonpriority Creditor's Name _____</p> <p>Number _____ Street _____</p> <p>City _____ State _____ ZIP Code _____</p> <p>Who incurred the debt? Check one.</p> <p><input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another</p> <p><input type="checkbox"/> Check if this claim is for a community debt</p> <p>Is the claim subject to offset?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes</p>		<p>Last 4 digits of account number _____ \$ _____</p> <p>When was the debt incurred? _____</p> <p>As of the date you file, the claim is: Check all that apply.</p> <p><input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed</p> <p>Type of NONPRIORITY unsecured claim:</p> <p><input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input type="checkbox"/> Other. Specify _____</p>

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known) 18-33152

0427

Part 2: Your NONPRIORITY Unsecured Claims -- Continuation Page

After listing any entries on this page, number them beginning with 4.4, followed by 4.5, and so forth.

Total claim

☐

Nonpriority Creditor's Name

Number Street

City State ZIP Code

Who incurred the debt? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☐ No
☐ Yes

Last 4 digits of account number _____

\$ _____

When was the debt incurred? _____

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent
☐ Unliquidated
☐ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims
☐ Debts to pension or profit-sharing plans, and other similar debts
☐ Other. Specify _____

☐

Nonpriority Creditor's Name

Number Street

City State ZIP Code

Who incurred the debt? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☐ No
☐ Yes

Last 4 digits of account number _____

\$ _____

When was the debt incurred? _____

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent
☐ Unliquidated
☐ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims
☐ Debts to pension or profit-sharing plans, and other similar debts
☐ Other. Specify _____

☐

Nonpriority Creditor's Name

Number Street

City State ZIP Code

Who incurred the debt? Check one.

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☐ No
☐ Yes

Last 4 digits of account number _____

\$ _____

When was the debt incurred? _____

As of the date you file, the claim is: Check all that apply.

- ☐ Contingent
☐ Unliquidated
☐ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims
☐ Debts to pension or profit-sharing plans, and other similar debts
☐ Other. Specify _____

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known) 18-33152

0428

Part 3: List Others to Be Notified About a Debt That You Already Listed

5. Use this page only if you have others to be notified about your bankruptcy, for a debt that you already listed in Parts 1 or 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the original creditor in Parts 1 or 2, then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Parts 1 or 2, list the additional creditors here. If you do not have additional persons to be notified for any debts in Parts 1 or 2, do not fill out or submit this page.

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

On which entry in Part 1 or Part 2 did you list the original creditor?

Line _____ of (Check one): ☐ Part 1: Creditors with Priority Unsecured Claims☐ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number _____

On which entry in Part 1 or Part 2 did you list the original creditor?

Line _____ of (Check one): ☐ Part 1: Creditors with Priority Unsecured Claims☐ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number _____

On which entry in Part 1 or Part 2 did you list the original creditor?

Line _____ of (Check one): ☐ Part 1: Creditors with Priority Unsecured Claims☐ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number _____

On which entry in Part 1 or Part 2 did you list the original creditor?

Line _____ of (Check one): ☐ Part 1: Creditors with Priority Unsecured Claims☐ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number _____

On which entry in Part 1 or Part 2 did you list the original creditor?

Line _____ of (Check one): ☐ Part 1: Creditors with Priority Unsecured Claims☐ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number _____

On which entry in Part 1 or Part 2 did you list the original creditor?

Line _____ of (Check one): ☐ Part 1: Creditors with Priority Unsecured Claims☐ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number _____

On which entry in Part 1 or Part 2 did you list the original creditor?

Line _____ of (Check one): ☐ Part 1: Creditors with Priority Unsecured Claims☐ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number _____

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known) 18-33152

0429

Part 4: Add the Amounts for Each Type of Unsecured Claim

6. Total the amounts of certain types of unsecured claims. This information is for statistical reporting purposes only. 28 U.S.C. § 159. Add the amounts for each type of unsecured claim.

Total claim**Total claims
from Part 1**

6a. Domestic support obligations

6a. \$ _____

6b. Taxes and certain other debts you owe the government

6b. \$ _____

6c. Claims for death or personal injury while you were intoxicated

6c. \$ _____

6d. Other. Add all other priority unsecured claims. Write that amount here.

6d. + \$ 300,500.00

6e. Total. Add lines 6a through 6d.

6e. \$ 300,500.00

Total claim**Total claims
from Part 2**

6f. Student loans

6f. \$ _____

6g. Obligations arising out of a separation agreement or divorce that you did not report as priority claims

6g. \$ _____

6h. Debts to pension or profit-sharing plans, and other similar debts

6h. \$ _____

6i. Other. Add all other nonpriority unsecured claims. Write that amount here.

6i. + \$ _____

6j. Total. Add lines 6f through 6i.

6j. \$ _____

Fill in this information to identify your case:

Debtor **MICHAEL ANDREW MCCANN**
 First Name Middle Name Last Name

Debtor 2
 (Spouse if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Southern District of Texas

Case number **18-33152**
 (If known)

☐ Check if this is an amended filing

Official Form 106G

Schedule G: Executory Contracts and Unexpired Leases

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the additional page, fill it out, number the entries, and attach it to this page. On the top of any additional pages, write your name and case number (if known).

1. Do you have any executory contracts or unexpired leases?

- ☐ No. Check this box and file this form with the court with your other schedules. You have nothing else to report on this form.
- ☒ Yes. Fill in all of the information below even if the contracts or leases are listed on *Schedule A/B: Property* (Official Form 106A/B).

2. List separately each person or company with whom you have the contract or lease. Then state what each contract or lease is for (for example, rent, vehicle lease, cell phone). See the instructions for this form in the instruction booklet for more examples of executory contracts and unexpired leases.

Person or company with whom you have the contract or lease

State what the contract or lease is for

2.1 **Steve Millican** House lease
 Name
5413 Santa Marie
 Number Street
Ft. Worth TX 76114
 City State ZIP Code

2.2 **Verizon Wireless** Cellphone contract
 Name
P.O. Box 291089
 Number Street
Columbia SC 29229
 City State ZIP Code

2.3
 Name
 Number Street
 City State ZIP Code

2.4
 Name
 Number Street
 City State ZIP Code

2.5
 Name
 Number Street
 City State ZIP Code

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known) **18-33152****Additional Page if You Have More Contracts or Leases****Person or company with whom you have the contract or lease****What the contract or lease is for**22

Name

Number Street

City State ZIP Code

2

Name

Number Street

City State ZIP Code

2

Name

Number Street

City State ZIP Code

2

Name

Number Street

City State ZIP Code

2

Name

Number Street

City State ZIP Code

2

Name

Number Street

City State ZIP Code

2

Name

Number Street

City State ZIP Code

2

Name

Number Street

City State ZIP Code

Fill in this information to identify your case:

Debtor 1	MICHAEL ANDREW MCCANN		
	First Name	Middle Name	Last Name
Debtor 2			
(Spouse, if filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: Southern District of Texas			
Case number (If known)	18-33152		

☐ Check if this is an amended filing

Official Form 106H

Schedule H: Your Codebtors

12/15

Codebtors are people or entities who are also liable for any debts you may have. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, and number the entries in the boxes on the left. Attach the Additional Page to this page. On the top of any Additional Pages, write your name and case number (if known). Answer every question.

1. Do you have any codebtors? (If you are filing a joint case, do not list either spouse as a codebtor.)

☒ No

☐ Yes

2. Within the last 8 years, have you lived in a community property state or territory? (Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.)

☐ No. Go to line 3.

☒ Yes. Did your spouse, former spouse, or legal equivalent live with you at the time?

☒ No

☐ Yes. In which community state or territory did you live? _____ Fill in the name and current address of that person.

Name of your spouse, former spouse, or legal equivalent

Number Street

City State ZIP Code

3. In Column 1, list all of your codebtors. Do not include your spouse as a codebtor if your spouse is filing with you. List the person shown in line 2 again as a codebtor only if that person is a guarantor or cosigner. Make sure you have listed the creditor on Schedule D (Official Form 106D), Schedule E/F (Official Form 106E/F), or Schedule G (Official Form 106G). Use Schedule D, Schedule E/F, or Schedule G to fill out Column 2.

Column 1: Your codebtor

Column 2: The creditor to whom you owe the debt

Check all schedules that apply:

3.1 **Jerry M. Russell**
Name
P.O. Box 199
Number Street
Brazoria Tx 77422
City State ZIP Code

☐ Schedule D, line _____

☒ Schedule E/F, line **2.1**
☐ Schedule G, line _____

3.2 **John David Crouch**
Name
7660 County Road 684C
Number Street
Sweeny Tx 77480
City State ZIP Code

☐ Schedule D, line _____

☒ Schedule E/F, line **2.2**
☐ Schedule G, line _____

3.3
Name

Number Street

City State ZIP Code

☐ Schedule D, line _____

☐ Schedule E/F, line _____

☐ Schedule G, line _____

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known) **18-33152****Additional Page to List More Codebtors****Column 1: Your codebtor****Column 2: The creditor to whom you owe the debt**

Check all schedules that apply:

3_

Name

Number Street

City State ZIP Code

☐ Schedule D, line _____☐ Schedule E/F, line _____☐ Schedule G, line _____

3_

Name

Number Street

City State ZIP Code

☐ Schedule D, line _____☐ Schedule E/F, line _____☐ Schedule G, line _____

3_

Name

Number Street

City State ZIP Code

☐ Schedule D, line _____☐ Schedule E/F, line _____☐ Schedule G, line _____

3_

Name

Number Street

City State ZIP Code

☐ Schedule D, line _____☐ Schedule E/F, line _____☐ Schedule G, line _____

3_

Name

Number Street

City State ZIP Code

☐ Schedule D, line _____☐ Schedule E/F, line _____☐ Schedule G, line _____

3_

Name

Number Street

City State ZIP Code

☐ Schedule D, line _____☐ Schedule E/F, line _____☐ Schedule G, line _____

3_

Name

Number Street

City State ZIP Code

☐ Schedule D, line _____☐ Schedule E/F, line _____☐ Schedule G, line _____

3_

Name

Number Street

City State ZIP Code

☐ Schedule D, line _____☐ Schedule E/F, line _____☐ Schedule G, line _____

Fill in this information to identify your case:

Debtor 1 **MICHAEL ANDREW MCCANN**
 First Name Middle Name Last Name

Debtor 2
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Southern District of Texas

Case number **18-33152**
 (If known)

Check if this is:

- ☐ An amended filing
- ☐ A supplement showing postpetition chapter 13 income as of the following date:

MM / DD / YYYY

Official Form 106I

Schedule I: Your Income

12/15

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Employment**1. Fill in your employment information.**

If you have more than one job, attach a separate page with information about additional employers.

Include part-time, seasonal, or self-employed work.

Occupation may include student or homemaker, if it applies.

Employment status

- ☐ Employed
☐ Not employed

- ☐ Employed
☐ Not employed

OccupationDentist Contractor**Employer's name****Employer's address**

Number Street

Number Street

City State ZIP Code

City State ZIP Code

How long employed there? _____

Part 2: Give Details About Monthly Income

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

	For Debtor 1	For Debtor 2 or non-filing spouse
2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	\$ 0.00	\$ _____
3. Estimate and list monthly overtime pay.	+ \$ 0.00	+ \$ _____
4. Calculate gross income. Add line 2 + line 3.	\$ 0.00	\$ _____

Debtor 1 **MICHAEL ANDREW MCCANN**
 First Name Middle Name Last Name

Case number (if known) **18-33152**

	For Debtor 1	For Debtor 2 or non-filing spouse
Copy line 4 here → 4.	\$ 0.00	\$
5. List all payroll deductions:		
5a. Tax, Medicare, and Social Security deductions	5a. \$ 0.00	\$
5b. Mandatory contributions for retirement plans	5b. \$ 0.00	\$
5c. Voluntary contributions for retirement plans	5c. \$ 0.00	\$
5d. Required repayments of retirement fund loans	5d. \$ 0.00	\$
5e. Insurance	5e. \$ 0.00	\$
5f. Domestic support obligations	5f. \$ 0.00	\$
5g. Union dues	5g. \$ 0.00	\$
5h. Other deductions. Specify: _____	5h. + \$ 0.00	+ \$
6. Add the payroll deductions. Add lines 5a + 5b + 5c + 5d + 5e + 5f + 5g + 5h.	6. \$ 0.00	\$
7. Calculate total monthly take-home pay. Subtract line 6 from line 4.	7. \$ 0.00	\$
8. List all other income regularly received:		
8a. Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a. \$ 0.00	\$
8b. Interest and dividends	8b. \$ 0.00	\$
8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c. \$ 0.00	\$
8d. Unemployment compensation	8d. \$ 0.00	\$
8e. Social Security	8e. \$ 0.00	\$
8f. Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify: _____	8f. \$ 0.00	\$
8g. Pension or retirement income	8g. \$ 0.00	\$
8h. Other monthly income. Specify: _____	8h. + \$ 0.00	+ \$
9. Add all other income. Add lines 8a + 8b + 8c + 8d + 8e + 8f + 8g + 8h.	9. \$ 0.00	\$
10. Calculate monthly income. Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	10. \$ 0.00 +	\$ = \$ 0.00
11. State all other regular contributions to the expenses that you list in Schedule J. Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives. Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in Schedule J. Specify: _____		
		11. + \$ 0.00
12. Add the amount in the last column of line 10 to the amount in line 11. The result is the combined monthly income. Write that amount on the <i>Summary of Your Assets and Liabilities and Certain Statistical Information</i> , if it applies		
		12. \$ 0.00 Combined monthly income
13. Do you expect an increase or decrease within the year after you file this form?		
<input type="checkbox"/> No.		
<input checked="" type="checkbox"/> Yes. Explain: Probable increase in lieu of no hurricane and flood resulting in a disastrous cash flow situation		

Fill in this information to identify your case:

Debtor 1 **MICHAEL ANDREW MCCANN**
First Name Middle Name Last Name

Debtor 2
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Southern District of Texas

Case number **18-33152**
 (If known)

Check if this is:

- ☐ An amended filing
- ☐ A supplement showing postpetition chapter 13 expenses as of the following date:

MM / DD / YYYY

Official Form 106J

Schedule J: Your Expenses

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Your Household**1. Is this a joint case?**

- ☒ No. Go to line 2.
- ☐ Yes. Does Debtor 2 live in a separate household?
- ☐ No
- ☐ Yes. Debtor 2 must file Official Form 106J-2, *Expenses for Separate Household of Debtor 2*.

2. Do you have dependents?

Do not list Debtor 1 and Debtor 2.

Do not state the dependents' names.

☒ No☐ Yes. Fill out this information for each dependent.....

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

- ☐ No
- ☐ Yes
- ☐ No
- ☐ Yes
- ☐ No
- ☐ Yes
- ☐ No
- ☐ Yes
- ☐ No
- ☐ Yes

3. Do your expenses include expenses of people other than yourself and your dependents?

☒ No

☐ Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I.)

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

Your expenses

4. \$ 1,200.00

If not included in line 4:

4a. Real estate taxes 4a. \$ 0.00

4b. Property, homeowner's, or renter's insurance 4b. \$ 0.00

4c. Home maintenance, repair, and upkeep expenses 4c. \$ 0.00

4d. Homeowner's association or condominium dues 4d. \$ 0.00

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known) **18-33152**

	Your expenses
5. Additional mortgage payments for your residence , such as home equity loans	5. \$ <u>0.00</u>
6. Utilities:	
6a. Electricity, heat, natural gas	6a. \$ <u>200.00</u>
6b. Water, sewer, garbage collection	6b. \$ <u>200.00</u>
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$ <u>200.00</u>
6d. Other. Specify: _____	6d. \$ <u>0.00</u>
7. Food and housekeeping supplies	7. \$ <u>400.00</u>
8. Childcare and children's education costs	8. \$ <u>0.00</u>
9. Clothing, laundry, and dry cleaning	9. \$ <u>100.00</u>
10. Personal care products and services	10. \$ <u>100.00</u>
11. Medical and dental expenses	11. \$ <u>300.00</u>
12. Transportation. Include gas, maintenance, bus or train fare. Do not include car payments.	12. \$ <u>200.00</u>
13. Entertainment, clubs, recreation, newspapers, magazines, and books	13. \$ <u>40.00</u>
14. Charitable contributions and religious donations	14. \$ <u>60.00</u>
15. Insurance. Do not include insurance deducted from your pay or included in lines 4 or 20.	
15a. Life insurance	15a. \$ <u>0.00</u>
15b. Health insurance	15b. \$ <u>0.00</u>
15c. Vehicle insurance	15c. \$ <u>0.00</u>
15d. Other insurance. Specify: _____	15d. \$ <u>0.00</u>
16. Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20. Specify: _____	16. \$ _____
17. Installment or lease payments:	
17a. Car payments for Vehicle 1	17a. \$ <u>0.00</u>
17b. Car payments for Vehicle 2	17b. \$ <u>0.00</u>
17c. Other. Specify: _____	17c. \$ <u>0.00</u>
17d. Other. Specify: _____	17d. \$ <u>0.00</u>
18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).	18. \$ <u>0.00</u>
19. Other payments you make to support others who do not live with you. Specify: _____	19. \$ <u>0.00</u>
20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.	
20a. Mortgages on other property	20a. \$ <u>0.00</u>
20b. Real estate taxes	20b. \$ <u>0.00</u>
20c. Property, homeowner's, or renter's insurance	20c. \$ <u>0.00</u>
20d. Maintenance, repair, and upkeep expenses	20d. \$ <u>0.00</u>
20e. Homeowner's association or condominium dues	20e. \$ <u>0.00</u>

Debtor 1 **MICHAEL ANDREW MCCANN**
First Name Middle Name Last Name

Case number (if known) **18-33152**

21. **Other. Specify:** _____

21. **+\$** _____ **0.00**

22. Calculate your monthly expenses.

22a. Add lines 4 through 21.

22a. \$ _____ **3,000.00**

22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2

22b. \$ _____ **0.00**

22c. Add line 22a and 22b. The result is your monthly expenses.

22c. \$ _____ **3,000.00**

23. Calculate your monthly net income.

23a. Copy line 12 (*your combined monthly income*) from *Schedule I*.

23a. \$ _____ **0.00**

23b. Copy your monthly expenses from line 22c above.

23b. **– \$** _____ **3,000.00**

23c. Subtract your monthly expenses from your monthly income.
 The result is your *monthly net income*.

23c. \$ _____ **3,000.00**

24. Do you expect an increase or decrease in your expenses within the year after you file this form?

For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?

☐ No.

☒ Yes. Explain here: **We have had hurricanes two years in a row and hopefully will not have another like Hurricane Harvey in 2017. This hurricane greatly affected patient participation and cash flow resulting in this Bankruptcy.**

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

0439

United States Courts
Southern District of Texas
FILED

In re:

§
§

Case No.

JUN 20 2018

David J. Bradley, Clerk of Court

DEBTOR'S RESPONSE TO
ORDER REGARDING NECESSITY OF FILING PAYMENT ADVICES

My name is Michael Andrew McCann. I am a debtor in this bankruptcy case. I declare that I did not receive any payment advices or other evidence of payment from any employer during the 60 days before the date of the filing of the bankruptcy petition. If this case is a joint case, both spouses have signed below to make this declaration jointly with respect to both.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 20, 2018 (date).

Michael Andrew McCann
Signature of Debtor

Signature of Joint Debtor (if joint case)

0440

United States District Court
Southern District of Texas
FILED

JUN 20 2018

David J. Bradley, Clerk of Court

Fill in this information to identify your case:

Debtor 1 **MICHAEL ANDREW MCCANN**
 First Name Middle Name Last Name

Debtor 2
 (Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: Southern District of Texas

Case number **18-33152**
 (If known)

☐ Check if this is an amended filing

Official Form 107

Statement of Financial Affairs for Individuals Filing for Bankruptcy

04/16

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Give Details About Your Marital Status and Where You Lived Before

1. What is your current marital status?

- ☐ Married
☒ Not married

2. During the last 3 years, have you lived anywhere other than where you live now?

- ☒ No
☐ Yes. List all of the places you lived in the last 3 years. Do not include where you live now.

Debtor 1:

Dates Debtor 1
lived there

Debtor 2:

Dates Debtor 2
lived there

112 Red Oak Street

Number Street

 From 11/01/2015
 To 06/20/2018
☐ Same as Debtor 1☐ Same as Debtor 1

Number Street

From

To

Brazoria TX 77422

City State ZIP Code

City State ZIP Code

☐ Same as Debtor 1☐ Same as Debtor 1

Number Street

 From
 To

Number Street

From

To

City State ZIP Code

City State ZIP Code

3. Within the last 8 years, did you ever live with a spouse or legal equivalent in a community property state or territory? (Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.)

- ☐ No
☐ Yes. Make sure you fill out *Schedule H: Your Creditors* (Official Form 106H).

Part 2: Explain the Sources of Your Income

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known) **18-33152****4. Did you have any income from employment or from operating a business during this year or the two previous calendar years?**

Fill in the total amount of income you received from all jobs and all businesses, including part-time activities.

If you are filing a joint case and you have income that you receive together, list it only once under Debtor 1.

☐ No☐ Yes. Fill in the details.

	Debtor 1	Debtor 2
	Sources of income Check all that apply.	Sources of income Check all that apply.
	Gross income (before deductions and exclusions)	Gross income (before deductions and exclusions)
From January 1 of current year until the date you filed for bankruptcy:	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business
	\$ 0.00	\$
For last calendar year: (January 1 to December 31, _____) YYYY	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business
	\$ 0.00	\$
For the calendar year before that: (January 1 to December 31, _____) YYYY	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business
	\$ 0.00	\$

5. Did you receive any other income during this year or the two previous calendar years?

Include income regardless of whether that income is taxable. Examples of *other income* are alimony; child support; Social Security, unemployment, and other public benefit payments; pensions; rental income; interest; dividends; money collected from lawsuits; royalties; and gambling and lottery winnings. If you are filing a joint case and you have income that you received together, list it only once under Debtor 1.

List each source and the gross income from each source separately. Do not include income that you listed in line 4.

☒ No☐ Yes. Fill in the details.

	Debtor 1	Debtor 2
	Sources of income Describe below.	Sources of income Describe below.
	Gross income from each source (before deductions and exclusions)	Gross income from each source (before deductions and exclusions)
From January 1 of current year until the date you filed for bankruptcy:		
	\$	\$
	\$	\$
	\$	\$
For last calendar year: (January 1 to December 31, _____) YYYY		
	\$	\$
	\$	\$
	\$	\$
For the calendar year before that: (January 1 to December 31, _____) YYYY		
	\$	\$
	\$	\$
	\$	\$

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known) **18-33152****Part 3: List Certain Payments You Made Before You Filed for Bankruptcy****6. Are either Debtor 1's or Debtor 2's debts primarily consumer debts?**

- ☒ **No. Neither Debtor 1 nor Debtor 2 has primarily consumer debts.** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$6,425* or more?

☒ No. Go to line 7.

☐ Yes. List below each creditor to whom you paid a total of \$6,425* or more in one or more payments and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

* Subject to adjustment on 4/01/19 and every 3 years after that for cases filed on or after the date of adjustment.

- ☐ **Yes. Debtor 1 or Debtor 2 or both have primarily consumer debts.**

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$600 or more?

☐ No. Go to line 7.

☐ Yes. List below each creditor to whom you paid a total of \$600 or more and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

	Dates of payment	Total amount paid	Amount you still owe	Was this payment for...
Creditor's Name		\$	\$	<input type="checkbox"/> Mortgage
Number Street				<input type="checkbox"/> Car
				<input type="checkbox"/> Credit card
				<input type="checkbox"/> Loan repayment
City State ZIP Code				<input type="checkbox"/> Suppliers or vendors
				<input type="checkbox"/> Other
Creditor's Name		\$	\$	<input type="checkbox"/> Mortgage
Number Street				<input type="checkbox"/> Car
				<input type="checkbox"/> Credit card
				<input type="checkbox"/> Loan repayment
City State ZIP Code				<input type="checkbox"/> Suppliers or vendors
				<input type="checkbox"/> Other
Creditor's Name		\$	\$	<input type="checkbox"/> Mortgage
Number Street				<input type="checkbox"/> Car
				<input type="checkbox"/> Credit card
				<input type="checkbox"/> Loan repayment
City State ZIP Code				<input type="checkbox"/> Suppliers or vendors
				<input type="checkbox"/> Other

Debtor 1 **MICHAEL ANDREW MCCANN**
 First Name Middle Name Last Name

Case number (if known) **18-33152**

7. **Within 1 year before you filed for bankruptcy, did you make a payment on a debt you owed anyone who was an insider?**
Insiders include your relatives; any general partners; relatives of any general partners; partnerships of which you are a general partner; corporations of which you are an officer, director, person in control, or owner of 20% or more of their voting securities; and any managing agent, including one for a business you operate as a sole proprietor. 11 U.S.C. § 101. Include payments for domestic support obligations, such as child support and alimony.

☐ No

☐ Yes. List all payments to an insider.

Insider's Name	Dates of payment	Total amount paid	Amount you still owe	Reason for this payment
_____	_____	\$ _____	\$ _____	
Number Street	_____			
_____	_____			
City State ZIP Code	_____			
Insider's Name	_____	\$ _____	\$ _____	
Number Street	_____			
_____	_____			
City State ZIP Code	_____			

8. **Within 1 year before you filed for bankruptcy, did you make any payments or transfer any property on account of a debt that benefited an insider?**

Include payments on debts guaranteed or cosigned by an insider.

☐ No

☐ Yes. List all payments that benefited an insider.

Insider's Name	Dates of payment	Total amount paid	Amount you still owe	Reason for this payment Include creditor's name
_____	_____	\$ _____	\$ _____	
Number Street	_____			
_____	_____			
City State ZIP Code	_____			
Insider's Name	_____	\$ _____	\$ _____	
Number Street	_____			
_____	_____			
City State ZIP Code	_____			

Debtor 1 **MICHAEL ANDREW MCCANN**
 First Name Middle Name Last Name

Case number (if known) **18-33152**

Part 4: Identify Legal Actions, Repossessions, and Foreclosures

9. Within 1 year before you filed for bankruptcy, were you a party in any lawsuit, court action, or administrative proceeding?

List all such matters, including personal injury cases, small claims actions, divorces, collection suits, paternity actions, support or custody modifications, and contract disputes.

- ☒ No
☐ Yes. Fill in the details.

	Nature of the case	Court or agency	Status of the case
Case title <u>Spencer Plantation Inve</u>	Eviction	<u>County Court at Law #1</u>	<input type="checkbox"/> Pending
		Court Name	<input type="checkbox"/> On appeal
			<input type="checkbox"/> Concluded
Case number <u>CI 52465</u>		Number Street	
		<u>Angleton, TX 77515</u>	
		City State ZIP Code	
Case title _____		Court Name	<input type="checkbox"/> Pending
			<input type="checkbox"/> On appeal
			<input type="checkbox"/> Concluded
Case number _____		Number Street	
		City State ZIP Code	

10. Within 1 year before you filed for bankruptcy, was any of your property repossessed, foreclosed, garnished, attached, seized, or levied?

Check all that apply and fill in the details below.

- ☒ No. Go to line 11.
☐ Yes. Fill in the information below.

Describe the property	Date	Value of the property
Creditor's Name _____	_____	\$ _____
Number Street _____		
City State ZIP Code _____		
Explain what happened		
<input type="checkbox"/> Property was repossessed.		
<input type="checkbox"/> Property was foreclosed.		
<input type="checkbox"/> Property was garnished.		
<input type="checkbox"/> Property was attached, seized, or levied.		
Describe the property	Date	Value of the property
Creditor's Name _____	_____	\$ _____
Number Street _____		
City State ZIP Code _____		
Explain what happened		
<input type="checkbox"/> Property was repossessed.		
<input type="checkbox"/> Property was foreclosed.		
<input type="checkbox"/> Property was garnished.		
<input type="checkbox"/> Property was attached, seized, or levied.		

Debtor 1 **MICHAEL ANDREW MCCANN**
 First Name Middle Name Last Name

Case number (if known) **18-33152**

11. Within 90 days before you filed for bankruptcy, did any creditor, including a bank or financial institution, set off any amounts from your accounts or refuse to make a payment because you owed a debt?

- ☒ No
☐ Yes. Fill in the details.

Describe the action the creditor took	Date action was taken	Amount
Creditor's Name _____		
Number _____ Street _____		\$ _____
City _____ State _____ ZIP Code _____		
Last 4 digits of account number: XXXX-____-____-____		

12. Within 1 year before you filed for bankruptcy, was any of your property in the possession of an assignee for the benefit of creditors, a court-appointed receiver, a custodian, or another official?

- ☐ No
☐ Yes

Part 5: List Certain Gifts and Contributions

13. Within 2 years before you filed for bankruptcy, did you give any gifts with a total value of more than \$600 per person?

- ☒ No
☐ Yes. Fill in the details for each gift.

Gifts with a total value of more than \$600 per person	Describe the gifts	Dates you gave the gifts	Value
Person to Whom You Gave the Gift _____			\$ _____
Number _____ Street _____			\$ _____
City _____ State _____ ZIP Code _____			
Person's relationship to you _____			
Person to Whom You Gave the Gift _____			\$ _____
Number _____ Street _____			\$ _____
City _____ State _____ ZIP Code _____			
Person's relationship to you _____			

Debtor 1 **MICHAEL ANDREW MCCANN**
 First Name Middle Name Last Name

Case number (if known) **18-33152**

14. Within 2 years before you filed for bankruptcy, did you give any gifts or contributions with a total value of more than \$600 to any charity?

☒ No

☐ Yes. Fill in the details for each gift or contribution.

Gifts or contributions to charities that total more than \$600	Describe what you contributed	Date you contributed	Value
Charity's Name			\$
			\$
Number Street			
City State ZIP Code			

Part 6: List Certain Losses

15. Within 1 year before you filed for bankruptcy or since you filed for bankruptcy, did you lose anything because of theft, fire, other disaster, or gambling?

☐ No

☒ Yes. Fill in the details.

Describe the property you lost and how the loss occurred	Describe any insurance coverage for the loss Include the amount that insurance has paid. List pending insurance claims on line 33 of Schedule A/B: Property.	Date of your loss	Value of property lost
Hurricane/flood	none	08/01/2017	\$ 189,000.00

Part 7: List Certain Payments or Transfers

16. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone you consulted about seeking bankruptcy or preparing a bankruptcy petition?

Include any attorneys, bankruptcy petition preparers, or credit counseling agencies for services required in your bankruptcy.

☒ No

☐ Yes. Fill in the details.

Description and value of any property transferred	Date payment or transfer was made	Amount of payment
Person Who Was Paid		
Number Street		\$
		\$
City State ZIP Code		
Email or website address		
Person Who Made the Payment, if Not You		

Debtor 1

MICHAEL ANDREW MCCANN

First Name Middle Name Last Name

Case number (if known) **18-33152****Description and value of any property transferred****Date payment or transfer was made** **Amount of payment**

Person Who Was Paid

Number Street

City State ZIP Code

Email or website address

Person Who Made the Payment, if Not You

17. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone who promised to help you deal with your creditors or to make payments to your creditors?
Do not include any payment or transfer that you listed on line 16.

- ☒ No
☐ Yes. Fill in the details.

Description and value of any property transferred**Date payment or transfer was made** **Amount of payment**

Person Who Was Paid

Number Street

City State ZIP Code

18. Within 2 years before you filed for bankruptcy, did you sell, trade, or otherwise transfer any property to anyone, other than property transferred in the ordinary course of your business or financial affairs?
Include both outright transfers and transfers made as security (such as the granting of a security interest or mortgage on your property).
Do not include gifts and transfers that you have already listed on this statement.

- ☒ No
☐ Yes. Fill in the details.

Description and value of property transferred**Describe any property or payments received or debts paid in exchange****Date transfer was made**

Person Who Received Transfer

Number Street

City State ZIP Code

Person's relationship to you

Person Who Received Transfer

Number Street

City State ZIP Code

Person's relationship to you

Debtor 1 **MICHAEL ANDREW MCCANN**
 First Name Middle Name Last Name

Case number (if known) **18-33152**

19. Within 10 years before you filed for bankruptcy, did you transfer any property to a self-settled trust or similar device of which you are a beneficiary? (These are often called *asset-protection devices*.)

- ☒ No
☐ Yes. Fill in the details.

Description and value of the property transferred

Date transfer was made

Name of trust _____

Part 8: List Certain Financial Accounts, Instruments, Safe Deposit Boxes, and Storage Units

20. Within 1 year before you filed for bankruptcy, were any financial accounts or instruments held in your name, or for your benefit, closed, sold, moved, or transferred?

Include checking, savings, money market, or other financial accounts; certificates of deposit; shares in banks, credit unions, brokerage houses, pension funds, cooperatives, associations, and other financial institutions.

- ☒ No
☐ Yes. Fill in the details.

Name of Financial Institution	Last 4 digits of account number	Type of account or instrument	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
Name of Financial Institution Number Street City State ZIP Code	XXXX- _ _ _ _	<input type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other _____	_____	\$ _____
Name of Financial Institution Number Street City State ZIP Code	XXXX- _ _ _ _	<input type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other _____	_____	\$ _____

21. Do you now have, or did you have within 1 year before you filed for bankruptcy, any safe deposit box or other depository for securities, cash, or other valuables?

- ☒ No
☐ Yes. Fill in the details.

Name of Financial Institution	Who else had access to it?	Describe the contents	Do you still have it?
Name of Financial Institution Number Street City State ZIP Code	Name Number Street City State ZIP Code		<input type="checkbox"/> No <input type="checkbox"/> Yes

Debtor 1 **MICHAEL ANDREW MCCANN**
 First Name Middle Name Last Name

Case number (if known) **18-33152**

22. Have you stored property in a storage unit or place other than your home within 1 year before you filed for bankruptcy?

☒ No

☐ Yes. Fill in the details.

	Who else has or had access to it?	Describe the contents	Do you still have it?
Name of Storage Facility	Name		<input type="checkbox"/> No
Number Street	Number Street		<input type="checkbox"/> Yes
City State ZIP Code	CityState ZIP Code		

Part 9: Identify Property You Hold or Control for Someone Else

23. Do you hold or control any property that someone else owns? Include any property you borrowed from, are storing for, or hold in trust for someone.

☒ No

☐ Yes. Fill in the details.

	Where is the property?	Describe the property	Value
Owner's Name			\$ _____
Number Street	Number Street		
City State ZIP Code	City State ZIP Code		

Part 10: Give Details About Environmental Information

For the purpose of Part 10, the following definitions apply:

- **Environmental law** means any federal, state, or local statute or regulation concerning pollution, contamination, releases of hazardous or toxic substances, wastes, or material into the air, land, soil, surface water, groundwater, or other medium, including statutes or regulations controlling the cleanup of these substances, wastes, or material.
- **Site** means any location, facility, or property as defined under any environmental law, whether you now own, operate, or utilize it or used to own, operate, or utilize it, including disposal sites.
- **Hazardous material** means anything an environmental law defines as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, contaminant, or similar term.

Report all notices, releases, and proceedings that you know about, regardless of when they occurred.

24. Has any governmental unit notified you that you may be liable or potentially liable under or in violation of an environmental law?

☒ No

☐ Yes. Fill in the details.

	Governmental unit	Environmental law, if you know it	Date of notice
Name of site	Governmental unit		
Number Street	Number Street		
City State ZIP Code	City State ZIP Code		

Debtor 1 **MICHAEL ANDREW MCCANN**
 First Name Middle Name Last Name

Case number (if known) **18-33152**

25. Have you notified any governmental unit of any release of hazardous material?

☒ No

☐ Yes. Fill in the details.

Governmental unit		Environmental law, if you know it	Date of notice
Name of site	Governmental unit		
Number Street	Number Street		
	City State ZIP Code		
City	State ZIP Code		

26. Have you been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.

☒ No

☐ Yes. Fill in the details.

Case title	Court or agency	Nature of the case	Status of the case
	Court Name		<input type="checkbox"/> Pending
	Number Street		<input type="checkbox"/> On appeal
Case number	City State ZIP Code		<input type="checkbox"/> Concluded

Part 11: Give Details About Your Business or Connections to Any Business

27. Within 4 years before you filed for bankruptcy, did you own a business or have any of the following connections to any business?

- ☐ A sole proprietor or self-employed in a trade, profession, or other activity, either full-time or part-time
- ☐ A member of a limited liability company (LLC) or limited liability partnership (LLP)
- ☐ A partner in a partnership
- ☐ An officer, director, or managing executive of a corporation
- ☐ An owner of at least 5% of the voting or equity securities of a corporation

☒ No. None of the above applies. Go to Part 12.

☐ Yes. Check all that apply above and fill in the details below for each business.

Business Name	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.
Number Street	Name of accountant or bookkeeper	EIN: _____ - _____
City State ZIP Code		Dates business existed From _____ To _____
Business Name	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.
Number Street	Name of accountant or bookkeeper	EIN: _____ - _____
City State ZIP Code		Dates business existed From _____ To _____

Debtor 1 **MICHAEL ANDREW MCCANN**
 First Name Middle Name Last Name

Case number (if known) **18-33152**

Business Name

Number Street

City State ZIP Code

Describe the nature of the business

Name of accountant or bookkeeper

Employer identification number

Do not include Social Security number or ITIN.

EIN: _____

Dates business existed

From _____ To _____

28. Within 2 years before you filed for bankruptcy, did you give a financial statement to anyone about your business? Include all financial institutions, creditors, or other parties.

☒ No

☐ Yes. Fill in the details below.

Date issued

Name

MM / DD / YYYY

Number Street

City State ZIP Code

Part 12: Sign Below

I have read the answers on this *Statement of Financial Affairs* and any attachments, and I declare under penalty of perjury that the answers are true and correct. I understand that making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

x Michael Andrew McCann
 Signature of Debtor 1

x _____
 Signature of Debtor 2

Date 06/20/2018

Date _____

Did you attach additional pages to Your *Statement of Financial Affairs for Individuals Filing for Bankruptcy* (Official Form 107)?

☒ No

☐ Yes

Did you pay or agree to pay someone who is not an attorney to help you fill out bankruptcy forms?

☒ No

☐ Yes. Name of person _____

Attach the *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119).



UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

David J. Bradley, Clerk of Court

IN RE:

Michael Andrew McCann

Debtor

§
§
§
§
§

CASE NO: 18-33152

CHAPTER 7

TO THE HONORABLE JUDGE JEFF BOHM:

EMERGENCY NOTICE OF PROBABLE CONTEMPT
OF FEDERAL JURISDICTION

TO: BRAZORIA SHERIFF'S OFFICE

Charles S. Wagner
111 E. Locust St.
Angleton, TX 77515

Judge Jerri Lee Mills
111 E. Locust St.
Angleton, TX 77515

Judge Patrick Sebesta
111 E. Locust St.
Angleton, TX 77515

Brazoria County Clerk
Joyce Hudman
111 E. Locust Suite 200
Angleton, TX 77515

Joseph Patterson
120 West Myrtle Street
Angleton, Texas 77515

George Henry Rau Jr.
P. O. Box 878
Angleton, TX 77516

Spencer Plantation Investments, Ltd.

RE: Criminal Trespass of a property protected by automatic stay in the above styled cause number.

NOTICE:

Michael Andrew McCann, acting in his individual capacity, does hereby give Notice to the above listed entities and individuals, as is set out in the Certificate of Service below, of this **NOTICE OF PROBABLE CONTEMPT OF FEDERAL JURISDICTION.**

1. On June 6, 2018, a petition for bankruptcy was filed in the U. S. Bankruptcy Court, Southern District of Texas, Houston, cause number 18-33512-JB. Spencer Plantation was listed as a creditor in the petition.
2. Attorneys for Spencer Plantation Investments, Ltd., Patterson and Rau were noticed of the bankruptcy no later than June 11, 2018.
3. Spencer Plantation was noticed by noticing its attorneys, Patterson and Rau.
4. The County Court at Law Judge, Jerri Lee Mills, in Case No. CI52465 was noticed on June 11, 2018. (See Exhibit 1, County Court at Law #1 Case Summary Docket, attached hereto and incorporated herein.)
5. On June 12, 2018, Joseph Patterson, acting for Spencer Plantation, requested a Writ from the Brazoria County Clerk.
6. On June 13, 2018, Brazoria County Clerk Joyce Hudman issued a Writ of Execution for McCann's property which was in bankruptcy case 18-33152.
7. On June 25, 2018, Judge Patrick Sebastia held a hearing in Cause No. 96820-CV, and granted a Motion to deem Michael A. McCann a vexatious litigant based on evidence of McCann's two cases filed against Spencer Plantation. (See Exhibit 2, Civil Docket Cause No. 96820-CV, attached hereto and incorporated herein.)
8. The hearing was scheduled by Attorney Joseph Patterson acting for Spencer Plantation, with notice to Attorney George Rau, Jr. on June 12, 2018. (See Exhibit 3, Notice of hearing, attached hereto and incorporated herein.)

9. On the morning of June 28, 2018, two sheriff's deputies from Brazoria County appeared at McCann's workplace and informed him that the gate to his property was locked with a lock furnished by Joseph Patterson. (See Exhibit 4, Letter from Joseph Patterson, attached hereto and incorporated herein.)

10. The Brazoria County Sheriff's Deputies were given notice that McCann was in bankruptcy and under the protection of the federal court.

11. In response, the Brazoria County Sheriff's Deputies gave McCann copy of the Writ of Possession and verbal criminal trespass warning. (See Exhibit 5, Writ of Possession, attached hereto and incorporated herein.)

12. Further, the deputies told McCann if he wanted to care for his animals he was to call George Rau and get permission to unlock the padlock on his gate.

13. All of the parties named above had knowledge that Michael Andrew McCann had filed bankruptcy on June 6, 2018 and that the property was under an automatic stay.

14. Accordingly, and in light of the foregoing facts and circumstances, this **NOTICE OF PROBABLY CONTEMPT OF FEDERAL JURISDICTION** intends to serve notice to all interested parties, and specifically to the parties named below that a defiance and probable contempt of federal jurisdiction has been acted out and is, at this time, ongoing and participated in by not only the Judge of the Brazoria County Court at Law, the Judge of the 239th District Court, the Brazoria County Clerk and the Brazoria County Sheriff, but also by the parties principal and agent to Spencer Plantation Investments, Ltd. and its two attorneys.

15. Since the underlying jurisdiction and authority for any hearing in the present case, Cause No. 18-33152 before Judge Bohm has been duly filed and docketed before the United States Bankruptcy Court for the Southern District of Texas, Houston Division, as is captioned above and since a true copy of the Petition has been noticed and perfected with Spencer Plantation and all the above actors named above, the exclusive jurisdiction of this case is now pending in the U.S. Federal Bankruptcy Court at Houston, Texas.

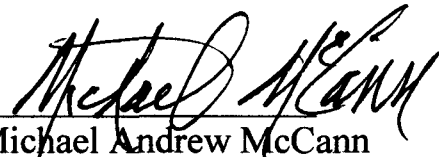
16. Since actual Notice of the filing has been perfected and notice to all relevant parties as to Cause no. 18-33152 styled as RE: MICHAEL ANDREW McCANN,

Debtor, including Spencer, the attorneys and both courts, and since the ongoing threat of immediate seizure is in defiance of and probable contempt of the jurisdiction of the United States Bankruptcy Court now properly and lawfully invoked and notice and perfected, any proceedings in state court or by state actors has been in direct contravention of 11 U.S.C. §922, et seq and the jurisdiction conferred thereby to the U.S. Bankruptcy Court at Houston, Texas.

17. A copy of this notice is being filed with the United States Bankruptcy Court. Further proceedings, including an application for sanctions will be filed in the court.

18. A motion for injunction has already been scheduled by Judge Bohm for July 5, 2018, in Cause No. 18-3168, an adversary complaint in the bankruptcy court.

Because of the emergency this has created, any response to this notice is required within (5) days of receipt of this notice.


Michael Andrew McCann
P. O. Box 66
Brazoria, Texas 77422
(979) 299-4080

CERTIFICATE OF SERVICE

I hereby certify by my signature above that I have served a true and correct copy of the above and foregoing document on all counsel of record via electronic mail in accordance with the requirements of the Texas Rules of Civil Procedure, rule 21a on this the 28th day of June, 2018.

And to BRAZORIA SHERIFF'S OFFICE
Charles S. Wagner
By fax: (979) 848-8003

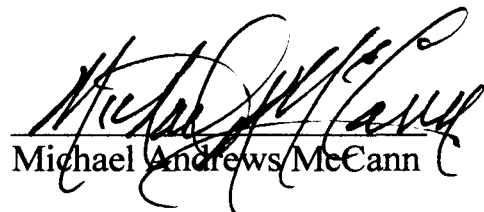








Michael Andrews McCann

EXHIBIT 1

CASE SUMMARY**CASE NO. CI52465****Spencer Plantation Investments, LTD vs. Michael A. McCann**§
§
§
§Location: **County Court at Law #1**
Judicial Officer: **Mills, Jerri Lee**
Filed on: **01/06/2015****CASE INFORMATION****Statistical Closures**













05/29/2018 Final Judgment After Non-Jury Trial (OCA)

Case Type: **Appeal - Other****DATE****CASE ASSIGNMENT****Current Case Assignment**Case Number CI52465
Court County Court at Law #1
Date Assigned 01/06/2015
Judicial Officer Mills, Jerri Lee**PARTY INFORMATION****Plaintiff****Spencer Plantation Investments, LTD***Lead Attorneys***Rau, George Henry, Jr.**
Retained
979-849-6484(W)**Defendant****McCann, Michael A.****Pro Se**
979-798-9103(H)**DATE****EVENTS & ORDERS OF THE COURT****INDEX**

01/06/2015	 Appeal Filed from Lower Court (OCA) 54 Pages - Appealed From JP (P4 - P2) (HEV140344)	
01/06/2015	 Letter Notice to all Parties of JP Appeal - Certified Mail to Michael A. McCann	
01/12/2015	 Certified Mail Returned Party: Defendant McCann, Michael A.	
02/22/2016	 Amended Plaintiff's First Amended Original Petition; with Exhibits	
02/22/2016	 Letter Cover Letter Regarding Amended Petition; Includes Notice of Trial Date	
03/01/2016	 Response Party: Defendant McCann, Michael A. Reasons to Deny Trial Scheduled for April 8, 2016 and/or the Alternative to Abate Trial, if Any, Until After Appellate Reviews	
03/22/2016	 Notice of Lis Pendens	
04/08/2016	Non-Jury Trial (9:00 AM) (Judicial Officer: Mills, Jerri Lee)	
04/08/2016	Judicial Docket Entry	












CASE SUMMARY**CASE NO. CI52465**

Case called for trial on the merits. Present were attorneys Joe Patterson and George Rau for the Plaintiff and Defendant, Michael McCann, appeared Pro Se. Evidence presented in open Court. Matter taken under advisement by the Court. Reporter: Sherri Stadler./mills

04/11/2016	 Letter Party: Defendant McCann, Michael A.; Attorney Rau, George Henry, Jr. <i>from Judge Regarding Ruling; Also Sent to Joe Patterson</i>
01/11/2018	 Motion Party: Plaintiff Spencer Plantation Investments, LTD <i>Plaintiff's Motion for Judgment and to Expunge Lis Pendens Notice</i>
01/12/2018	 Notice of Hearing Party: Plaintiff Spencer Plantation Investments, LTD <i>on Motion for Judgment and to Expunge Lis Pendens Notice</i>
02/07/2018	 Stat Closure - All Other Dispositions <i>Notice of Removal w/ Exhibits</i>
02/16/2018	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Mills, Jerri Lee)
04/26/2018	 Order <i>Remanding Case</i>
04/26/2018	 Letter <i>from Attorney to Court advising Notice of Remand Order; Sent to Judge</i>
04/30/2018	 Notice Party: Plaintiff Spencer Plantation Investments, LTD <i>of Hearing On Motion For Judgment And To Expunge Lis Pendens Notice</i>
04/30/2018	 Notice Party: Defendant McCann, Michael A. <i>Dismissal for Want of Jurisdiction</i>
04/30/2018	 Notice Party: Defendant McCann, Michael A. <i>of Impossibility</i>
05/01/2018	 Response Party: Plaintiff Spencer Plantation Investments, LTD <i>To Notice of Impossibility and Dismissal for Want of Jurisdiction</i>
05/04/2018	 Correspondence Party: Defendant McCann, Michael A. <i>Email sent to Defendant advising of correct court #</i>
05/07/2018	 Notice Party: Defendant McCann, Michael A. <i>of Improper Behavior</i>
05/24/2018	Hearing (1:30 PM) (Judicial Officer: Mills, Jerri Lee)
05/24/2018	Judicial Docket Entry <i>Hearing held on Plaintiff's Motion for Judgment and to Expunge Lis Pendens Notice filed on</i>

CASE SUMMARY**CASE NO. CI52465**

1/11/2018. Present was attorney Joe Patterson for Plaintiff and announced ready. Defendant Michael A. McCann, acting Pro Se, was present and also announced ready. Court advised both Plaintiff's attorney and Defendant that the trial of the case on April 8, 2016 had already closed with the introduction of evidence (per Court's letter dated 4/11/2018) and therefore no additional evidence and/or arguments were necessary. Court advised that it would re-review the Plaintiff's "Motion for Judgment and To Expunge Lis Pendens Notice" as well as any motions filed by Defendant in response thereto and would deliver its ruling on the 4/8/2016 trial on Tuesday, May 29, 2018. Court reporter: Sherri Stadler./mills

05/29/2018	 Letter Party: Defendant McCann, Michael A.; Attorney Rau, George Henry, Jr. <i>Court's Notice of Judgment</i>
05/29/2018	 Stat Closure - Final Judgment After Non-Jury Trial
06/01/2018	 Judgment <i>Amended Judgment</i>
06/01/2018	 Letter Party: Defendant McCann, Michael A.; Attorney Rau, George Henry, Jr. <i>Court's Notice of Amended Judgment</i>
06/01/2018	 Letter <i>to Court from Attorney</i>
06/06/2018	 Motion <i>to Set Supersedeas Bond; Sent to Judge for Review - Per Judge "Just hold in file"</i>
06/11/2018	 Notice of Appeal
06/11/2018	 Notice <i>of Bankruptcy</i>
06/12/2018	 Request <i>From Attorney Joseph Patterson - Re: Issuance Of Writ Of Possession</i>
06/12/2018	 Response Party: Plaintiff Spencer Plantation Investments, LTD <i>Plaintiff's Response to Motion to set Supersedeas Bond</i>
06/13/2018	 Writ Party: Defendant McCann, Michael A. <i>of Possession; Attorney to Pickup</i>
06/13/2018	Writ of Possession McCann, Michael A. Unserved
06/26/2018	 Proposed Order <i>Setting Amount Of Supersedeas Bond; Sent to Judge</i>
06/26/2018	 Clerk's Notification of Appeal to COA <i>sent to 14th Court of Appeals via Tames Portal; Trace #45085</i>

COURT CLERK AT LAW
CASE SUMMARY

0460

CASE No. CI52465

06/26/2018

 LetterParty: Defendant McCann, Michael A.
*Clerk's Request for Designation of Record***DATE****FINANCIAL INFORMATION****Defendant** McCann, Michael A.

Total Charges

257.00

Total Payments and Credits

257.00

Balance Due as of 6/27/2018**0.00****Plaintiff** Spencer Plantation Investments, LTD

Total Charges

10.70

Total Payments and Credits

10.70

Balance Due as of 6/27/2018**0.00**

EXHIBIT 2

239th District Court

NAMES OF PARTIES	ATTORNEYS	KIND OF ACTION	DATE OF FILING
Michael A. McCann vs. Spencer Plantation Investments, Ltd.	MICHAEL A. MCCANN	Real Property - Other	05/16/2018
			Jury Fee Paid: \$
	-Def Atty		Paid by:
			Date:

[illegible]

EXHIBIT 3

PATTERSON & EDQUIST

Attorneys At Law
120 WEST MYRTLE STREET
ANGLETON, TEXAS 77515

JOSEPH PATTERSON
MATTHEW B. EDQUIST

TELEPHONE: (979) 848-3433
FAX: (979) 848-8307

June 12, 2018

Debbie Selleck
Court Coordinator
239th Judicial District Court
of Brazoria County, Texas
Brazoria County Courthouse
Angleton, Texas 77515

Via Hand Delivery

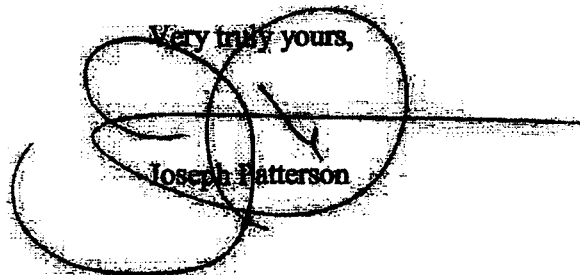
Re: Cause No. 96820-CV; *Michael A. McCann v. Spencer Plantation Investments, LTD.*; In the
239th Judicial District Court of Brazoria County, Texas

Dear Debbie;

This is to confirm that the Motion for Sanctions *and* for a formal determination of "vexatious litigant" status, filed on behalf of my client, Spencer Plantation Investments, LTD, along with its Original Answer, will be brought before the Court for hearing at 11:00 a.m. on Monday, June 25, 2018.

I am, by copy of this letter to Dr. McCann, giving notice of the setting of this hearing.

Thanks for your help.

Very truly yours,

Joseph Patterson

Cc

George Rau, Jr.

Via email

Michael A. McCann

Via email and U.S. Mail, Certified/RRR

EXHIBIT 4

PATTERSON & EDQUIST

Attorneys At Law
120 WEST MYRTLE STREET
ANGLETON, TEXAS 77515

JOSEPH PATTERSON
MATTHEW B. EDQUIST

TELEPHONE: (979) 848-3433
FAX: (979) 848-8307

June 28, 2018

Michael A, McCann
324 N. Brooks Street
Brazoria, Texas 77515

Via email and U.S. Mail, certified, R/R/R

Re: Cause No. CI52465; *Spencer Plantation Investments, LTD v. Michael A. McCann*; In the County Court at Law No. 1 and Probate Court of Brazoria County, Texas

Dear Dr. McCann;

As I believe you are now aware, possession of the premises made the basis of the above referenced forcible detainer proceeding has, this day, been delivered to my client, Spencer Plantation Investments, LTD, by action of the Constable, Brazoria County, Precinct 4.

The Amended Judgment entered in this matter on June 1, 2018 (herein, the "Judgment") made specific provision for you to have ten (10) days, after entry of the Judgment, i.e., until midnight on June 11th, to remove "personal property, including livestock" from the premises.

It appears that you have not availed yourself of this opportunity, hence, per the terms of the Judgment, such personal property:

...is deemed forfeited and abandoned and the Plaintiff is authorized to remove it and to dispose of it in any manner Plaintiff sees fit, including sale, in which case the proceeds of the sale are to be applied to this Judgment...

This notwithstanding, my client has authorized me to extend to you to opportunity, upon prior notice and arrangement having been made, through this office, no later than 5:00 p.m. on Friday, July 6th, to remove your livestock and other personal property from the premises.

Should you fail to avail yourself of this opportunity, we will conclude that you have chosen to abandon all personal property remaining on the premises, *including livestock*, and will make appropriate arrangements to dispose of them, as authorized by the order of the court.

Please understand that any entry upon the premises, by you or persons associated with you, *without the express written permission of my client—which shall issue from my office as outlined herein—shall be*

wholly unauthorized, and shall be treated as a trespass in violation of the law.

All responses, or other inquiries, related to this communication, should be directed, in writing, to my attention.

Very truly yours,



Joseph Patterson

Cc

George Rau, Jr.

Via email

Kenneth Goolsby

Via email

EXHIBIT 5

Delivered this 20 day of JUNE, 2018
 By Deputy [Signature]
 James Brawn, Constable Pct. #4, Brazoria County

CIVIL NO. CI52465

**SPENCER PLANTATION
INVESTMENTS, LTD**

§ IN THE COUNTY COURT AT LAW

Plaintiff §

VS.

§ NO. 1 AND PROBATE COURT OF

MICHAEL A. MCCANN

§

Defendant § BRAZORIA COUNTY, TEXAS

WRIT OF POSSESSION**THE STATE OF TEXAS****TO ANY SHERIFF OR ANY CONSTABLE WITHIN THE STATE OF TEXAS-GREETING:**

WHEREAS, on the 1st day of June, 2018, **Spencer Plantation Investments, Ltd**, plaintiff, recovered judgment in the County Court at Law #1 and Probate Court of Brazoria County, against MICHAEL A. MCCANN 324 N. BROOKS ST BRAZORIA TX 77422, defendant, for the possession of a certain tract or parcel of land, bounded and described as follows, to-wit:

SEE ATTACHED

THEREFORE, you are hereby commanded that you deliver to the said **Spencer Plantation Investments, Ltd** the possession of said property hereinbefore described, as against the said **Michael A. McCann**. HEREIN FAIL NOT, but of this writ make due return within 90 days, with your endorsement thereon, showing how you have executed the same.

WITNESS my hand officially, and the seal of said Court hereto affixed, at office in the City of Angleton of Brazoria County this 13th day of June, 2018.

JOYCE HUDMAN, COUNTY CLERK
BRAZORIA COUNTY, TEXAS

By E. Malone, Deputy

CONTACT INFO IF YOU
NEED TO GET IN THE
GATE OR ON THE PROPERTY
GEORGE RAN

849-1684

CI52465

SPENCER PLANTATION INVESTMENTS, LTD.	§	IN THE COUNTY COURT AT LAW NO. 1 AND PROBATE COURT
Plaintiff		
Vs.	§	OF
MICHAEL A. McCANN		
Defendant	§	BRAZORIA COUNTY, TEXAS

AMENDED JUDGMENT

On April 8, 2016, the above styled and numbered cause came on to be heard. Plaintiff appeared in person and by counsel, George H. Rau, Jr. and Joseph Patterson. Defendant appeared in person, *pro se*.

All matters of controversy, of fact and of law, were submitted to the court sitting without a jury; and the pleadings, evidence and arguments having been heard by the Court, it is the opinion of the Court that the Plaintiff is entitled to a judgment against the Defendant as hereinafter set forth.

IT IS THEREFORE, ORDERED, ADJUDGED and DECREED that the Plaintiff have and recover of the Defendant possession of the premises described as follows (hereinafter referred to as the "Property"):

Tract A:

Being a 64.648 Acre Tract of Land, a portion of which is out of the George Melgaard called 140.0 Acre Tract, said Tract being recorded in Volume 143, Page 508 of the Deed Records of Brazoria County, Texas. Said 64.648 Acre Tract of Land being out of the Stephen F. Austin 7 1/3 League Grant, Abstract 20, Brazoria County, Texas. Said 64.648 Acres being more particularly described by metes and bounds as follows on Exhibit "A" attached hereto. (Also known as BCAD # 150317)

Tract B:

The surface and surface only of a parcel of land containing 9.615 acre tract. Being a 9.615 acre tract of land, being all of the S. J. Matula called 7,578 acre tract, said tract being a portion of the George Melgaard called 140.0 acre tract, as recorded in Volume 143, Page 508, Deed Records of Brazoria County, Texas, and also a



THE STATE OF TEXAS
COUNTY OF BRAZORIA
I certify that the above and foregoing is a full, true and correct photographic copy of the original record on file in my office. Given under my hand and seal of the court in my lawful custody and possession, JOYCE HUDMAN, BRAZORIA COUNTY CLERK
DEPUTY

portion of the S. J. Matula called 28.50 acre tract, said Matula tract being the South ½ of Tract 11D of the Stephen F. Austin 7 1/3 League Grant, Abstract No. 20, Brazoria County, Texas. Said 9.615 acre tract being more fully described by metes and bounds as follows on Exhibit "A" attached hereto. (Also known as BCAD # 619719)

IT IS FURTHER ORDERED, that the Defendant and all persons occupying the Property in any manner, if any, will leave and vacate the Property permanently within ten (10) days of the date of this judgment, each taking his or her personal property, including all livestock, but leaving all improvements, buildings, fixtures, and appurtenances to the Property.

If any person fails or refuses to vacate the Property, by the date specified in this judgment, the Plaintiff is authorized, on written request therefor, to obtain a Writ of Possession for the Property, and to coordinate with the sheriff or any constable to take all actions that are reasonably necessary to have those persons ejected. Accordingly, the sheriff or any constable is authorized and directed to take any and all necessary actions, including, but not limited to, the use of reasonable force to enter and remain on the Property, which includes, but is not limited to, the land, the buildings, and any structures located thereon, for the purpose of executing this judgment. The sheriff or any constable is further authorized and directed to arrest and/or evict from the Property, any and all persons who obstruct, attempt to obstruct or interfere or attempt to interfere in any way with the execution of the order to vacate.

If any person fails or refuses to remove his or her personal property, including livestock from the Property by the time specified herein, the personal property remaining on the Property, including livestock, hereafter is deemed forfeited and abandoned and the Plaintiff is authorized to remove it and to dispose of it in any manner Plaintiff sees fit, including sale, in which case the proceeds of the sale are to be applied to this Judgment.

Any attempt to reenter the Property after the expiration of ten (10) days after entry of this Judgment could subject that person to be found in contempt of the Court, and such contempt could be punishable by a fine, incarceration, or both. The Clerk of this Court, shall provide notice of the Judgment to the Defendant in accordance with the requirements of Tex. Rules of Civil. Proc., Rule 306a(3). The Plaintiff, in coordination with any constable or sheriff, may provide notice of this Judgment to any other resident of the Property by hand delivery, or by leaving it in a prominent location at the Property.



THE STATE OF TEXAS
COUNTY OF BRAZORIA
I certify that the above and foregoing is a full, true and correct photographic copy of the original record on file in my office. Given under my hand and seal of the court in my lawful custody and possession, JOYCE HUBMAN,
BRAZORIA COUNTY CLERK
BY [Signature] DEPUTY

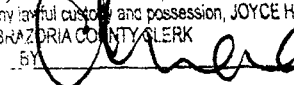
Until Defendant vacates the Property, Defendant will take reasonable steps necessary to preserve the Property (including any and all buildings, improvements, fixtures and appurtenances on the Property) in its current condition. Defendant will not commit waste against the Property, nor shall he cause or permit anyone else to do so. Defendant will not do anything that tends to reduce the value or marketability of the Property, nor will he cause or permit anyone else to do so. Defendant will not record any instruments or liens against the Property, publish any notice, or engage in any other action that may directly or indirectly tend to adversely affect the value of the Property or cause or permit anyone else to do so.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Plaintiff have and recover from Defendant the following:

1. its damages for lost rents from November, 2014 to January 2018, in the amount of \$ 2,475.44;
2. its attorney's fees reasonably and necessarily incurred in the prosecution and trial of this case in the amount of \$ 29,273.55; and,
3. if this case is appealed by the Defendant to the Texas Court of Appeals, additional attorney's fees in the amount of \$15,000.00; and,
4. if Defendant appeals this case to the Texas Supreme Court by the filing of and application or petition for review by that court, additional attorney's fees in the amount of \$5,000.00; and,
5. if Defendant's appeal to the Texas Supreme Court is accepted by the Supreme Court, additional attorney's fees in the amount of \$5,000.00; for a total judgment of \$ 56,687.10, together with interest thereon at the rate of 5% per annum from the date of judgment until paid, provided that of no appeal is taken by the Defendant, this judgment shall be credited with the amounts of attorney's fees awarded for defense of any appeals of this judgement; it being further,

ORDERED, that pursuant to the provisions of Texas Rule of Civil Procedure 510.11, the Plaintiff shall have and recover from JERRY M. RUSSELL and JOHN CROWELL, the sureties on the Appeal Bond filed by the Defendant, in the perfection of his appeal of this case from the justice of the peace court, in the sum of Ten Thousand and No/100 Dollars (\$10,000.00), which sum, when paid, shall be credited against the judgement rendered against the Defendant herein; it being further,



THE STATE OF TEXAS
COUNTY OF BRAZORIA
I certify that the above and foregoing is a full, true and correct photographic copy of the original record on file in my office. Given under my hand and seal of the court in my lawful custody and possession, JOYCE HUDMAN,
BRAZORIA COUNTY CLERK
BY  DEPUTY

ORDERED, that Plaintiff have and recover from Defendant, all court costs incurred in this cause; it being further,

ORDERED, that execution shall issue to enforce this judgement, and all writs and processes necessary for the enforcement of this judgment, including but not limited to the issuance of a Writ of Possession for the Property, and Writ(s) of Execution as required for the collection of this judgement, or the costs of court awarded herein, may issue as requested by Plaintiff.

It is further ORDERED that the Notice of Lis Pendens dated March 21, 2016, and filed of record by the Defendant under Clerk's File No. 2016-012416 in the Brazoria County Official Record, asserting a claim in this case to title to the Property, a matter of which this Court has no jurisdiction, be and same is hereby expunged, cancelled and set aside pursuant to TEX. PROP. CODE ANN Sections 12.0071 and 12.008.

All relief not expressly granted herein is denied.

THIS IS A FINAL JUDGMENT AND APPEALABLE AS SUCH.

Signed on June 1, 2018.

Jerry Lee Mills
Presiding Judge

S160321



THE STATE OF TEXAS
COUNTY OF BRAZORIA
I certify that the above and foregoing is a full, true and correct photographic copy of the original record on file in my office. Given under my hand and seal of the court in my lawful custody and possession, JOYCE HUDMAN,
BRAZORIA COUNTY CLERK
Joyce Hudman
DEPUTY

EXHIBIT "A"



THE STATE OF TEXAS
COUNTY OF BRAZORIA

I certify that the above and foregoing is a full, true and correct photographic copy of the original record on file in my office. Given under my hand and seal of the court in my lawful custody and possession, JOYCE HUDMAN, BRAZORIA COUNTY CLERK

BY *[Signature]* DEPUTY



FIELD NOTES



ATTACHMENT 1

64.648 Acres

Stephen F. Austin 7 1/3 League Grant, Abstract 20

Brazoria County, Texas

07-07-98 MS (INMATA-258)

TRACT A:

Being a 64.648 Acre Tract of Land, a portion of which is out of the George Melgaard called 140.00 Acre Tract, said Tract being recorded in Volume 143, Page 508 of the Deed Records of Brazoria County, Texas. Said 64.648 Acre Tract of Land being out of the Stephen F. Austin 7 1/3 League Grant, Abstract 20, Brazoria County, Texas. Said 64.648 Acres being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron pipe, found in the West line of State Highway No. 521, said iron pipe being the Southeast corner of a called 25.00 Acre Tract, known as Tract 11B, said iron pipe also bears South 538.00 feet from the Southeast corner of the George E. Badger called 89.00 Acre Tract, known as Tract 11A, said iron pipe being the most Easterly North corner of this 64.648 Acre Tract;

THENCE South 582.85 feet along the West line of said State Highway No. 521, to a 1" iron pipe found in said 28.50 Acre Tract, said Tract being the South-half of Tract 11D, said iron pipe being the most Easterly South corner of this 64.648 Acre Tract;

THENCE South 89° 36' 19" West, (called West), 3407.29 feet along the North line of said Melinda Tract to a 1/2" iron rod found for an angle point;

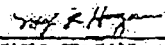
THENCE South 89° 41' 47" West, 922.91 feet, (called West, 924.70 feet), to a 1/2" iron rod found in the West line of said Melgaard Tract for the Southwest corner of this 64.648 Acre Tract;

THENCE North 00° 39' 10" West, 895.65 feet (called North 00° 01' 44.1" West, 895.525 feet), along the West line of said Melgaard Tract, to a 1" iron pipe found at the Northwest corner of said Melgaard Tract for the Northwest corner of this 64.648 Acre Tract;

THENCE South 89° 40' 56" East, 928.07 feet (called South 89° 53' 26.6" West, 928.27 feet), along the North line of said Melgaard Tract to a 1/2" iron rod found at the Northeast corner of said Melgaard Tract for the most Northerly East corner of this 64.648 Acre Tract;

THENCE South 00° 22' 04" East (called South 00° 01' 44.1" East), 313.02 feet to a 1" iron pipe found at the Southwest corner of said Tract 11B for the an interior corner of this 64.648 Acre Tract;

THENCE North 89° 36' 25" East (called East), 3410.32 feet along the South line of said Tract 11B to the PLACE OF BEGINNING, and containing 64.648 Acres of Land, more or less.


MAX L. HAGAN
 Registered Professional Land Surveyor No. 937

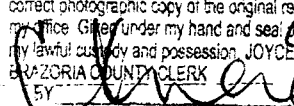
RECORDER'S MEMORANDUM:

At the time of recording, this instrument was found to be inadequate for the best photographic reproduction because of illegible, carbon, or photo-copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

STATE OF TEXAS, COUNTY OF BRAZORIA
 I certify that the above and foregoing is a full, true and correct photographic copy of the original record on file in my office including redactions, if any, of social security numbers. Given under my hand and seal of the court in my lawful custody and possession
 JOYCE HUDMAN, BRAZORIA COUNTY CLERK

By:  Deputy



THE STATE OF TEXAS
 COUNTY OF BRAZORIA
 I certify that the above and foregoing is a full, true and correct photographic copy of the original record on file in my office. Given under my hand and seal of the court in my lawful custody and possession, JOYCE HUDMAN,
 BRAZORIA COUNTY CLERK
 DEPUTY

ATTACHMENT 2

FIELD NOTES

9.615 Acre Tract
 Portion of the George Melgard 140 Acre Tract
 Stephen F. Austin 7 1/3 League Grant
 Abstract No. 20
 Brazoria County, Texas
 05-25-99 LE (BMAATA 520)

TRACT B:

Being a 9.615 acre tract of land, being all of the S.J. Matula called 7.578 acre tract, said tract being a portion of the George Melgard called 140 acre tract as recorded in Volume 143, Page 508, Deed Records, Brazoria County, Texas, and also a portion of the S.J. Matula called 28.50 acre tract, said Matula tract being the South 1/4 of Tract 11D of the Stephen F. Austin 7 1/3 League Grant, Abstract No. 20, Brazoria County, Texas. Said 9.615 acre tract being more fully described by notes and bounds as follows:

BEGINNING at a 1/2" iron rod found in the West line of said Melgard tract, said rod bears South 00° 39' 10" West, 895.65 feet, called South 00° 01' 44" West, 895.53 feet, along a fence line along said West line of said Melgard tract from a 1" iron pipe found at the Northwest corner of said Melgard tract, said rod being at the Northwest corner of the S.J. Matula called 7.578 acre tract, of said Melgard tract, for the Northwest corner and TRUE PLACE OF BEGINNING of this 9.615 acre tract;

THENCE North 89° 41' 47" East, called East, 922.91 feet along the North line of said Matula called 7.578 acre tract to a 1/2" iron rod found at the Northeast corner of said Matula called 7.578 acre tract, said rod being the Northwest corner of said Matula called 28.50 acre tract, for an angle point of this 9.615 acre tract;

THENCE North 89° 36' 19" East, called East, 249.09 feet along the North line of said Matula called 28.50 acre tract to a 1/2" iron rod set for the Northeast corner of this 9.615 acre tract;

THENCE South 00° 18' 13" East, 357.50 feet to a 1/2" iron rod set in a fence line along the South line of said Matula called 28.50 acre tract for the Southeast corner of this 9.615 acre tract;

THENCE South 89° 48' 24" West, called West, 247.63 feet along a fence line along the said South line of said Matula called 28.50 acre tract to a 1" iron pipe found at the Southwest corner of said Matula called 28.50 acre tract, said rod being the Southeast corner of said Matula called 7.578 acre tract, for an angle point of this 9.615 acre tract;

THENCE South 89° 37' 38" West, 925.31 feet, called West, 923.27 feet, along a fence line along the South line of said Matula called 7.578 acre tract to a 1/2" iron rod found at the Southwest corner of said Matula called 7.578 acre tract, said rod being in the West line of said Melgard tract, for the Southwest corner of this 9.615 acre tract;

THENCE North 00° 09' 11" West, 357.80 feet, called North 00° 01' 44" West, 357.54 feet, along a fence line along the West line of said Matula called 7.578 acre tract, same being the West line of said Melgard tract, to the PLACE OF BEGINNING, containing 9.615 acres of land, more or less.

Max L. Hagan
 MAX L. HAGAN
 Registered Professional Land Surveyor No. 537



STATE OF TEXAS, COUNTY OF BRAZORIA
 I certify that the above and foregoing is a full, true and correct photographic copy of the original record on file in my office including redactions, if any, of social security numbers. Given under my hand and seal of the court in my lawful custody and possession
 JOYCE HUDMAN, BRAZORIA COUNTY CLERK

By: *Kaleen* Deputy



THE STATE OF TEXAS
 COUNTY OF BRAZORIA

I certify that the above and foregoing is a full, true and correct photographic copy of the original record on file in my office. Given under my hand and seal of the court in my lawful custody and possession, JOYCE HUDMAN, BRAZORIA COUNTY CLERK

51 *Kaleen* DEPUTY



ENTERED
07/09/2018

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

MICHAEL ANDREW McCANN,

Debtor.

§
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§
§

**CASE NO. 18-33152-H4-7
(Chapter 7)**

ORDER STRIKING PLEADING
[Ref. Doc. No. 15]

On July 5, 2018, at 2:00 p.m. this Court held a hearing on the Plaintiff's request for preliminary injunction and on the Defendant's Emergency Motion to Dismiss Under Fed. R. Civ. P. 12(b)(1) and (6). The Defendant, Spencer Plantation Investments, Ltd., appeared by and through counsel, and the Debtor/Plaintiff, Michael Andrew McCann, appeared in person, pro se. The Defendant presented evidence. The Plaintiff presented no evidence. After closing arguments by counsel for the Defendant and by the Plaintiff, the Court made oral findings of fact and conclusions of law on the record, which are hereby incorporated in this order, and for the reasons stated on the record, it is:

ORDERED, that the pleading titled Emergency Notice of Probable Contempt of Federal Jurisdiction and filed on June 29, 2018 (Doc. No. 15) is hereby STRICKEN.

SIGNED, this 6th day of July, 2018.



JUDGE JEFF BOHM
U.S. BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States Courts
Southern District of Texas
FILED

JUL 16 2018

IN RE:

Michael Andrew McCann

Debtor

§
§
§
§
§

CASE NO: 18-33152

CHAPTER 7

David J. Bradley, Clerk of Court

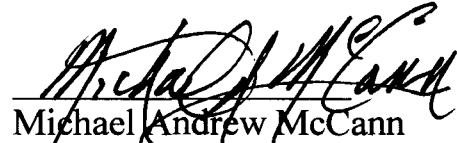
TO THE HONORABLE JUDGE JEFF BOHM:

**EMERGENCY MOTION FOR AN ORDER TO VOID TEXAS COURT
ORDERS AND PROCESSES WHICH WERE ISSUED AFTER
AUTOMATIC STAY**

Comes now, Michael Andrew McCann, and motions this court to void Texas court orders or processes which were issued after June 6, 2018, in violation of the automatic stay which is granted by the filing in this court.

1. On June 6, 2018, a petition for bankruptcy was filed in the U. S. Bankruptcy Court, Southern District of Texas, Houston, cause number 18-33512-JB.
2. McCann had two state court issues open at the time of the filing.
3. Both the Texas County court suit and the Texas State District court suit involved McCann and Spencer Plantation
4. Attorneys for Spencer Plantation Investments, Ltd., Patterson and Rau were noticed of the bankruptcy no later than June 11, 2018.
5. Spencer Plantation was noticed by noticing its attorneys, Patterson and Rau.
6. On June 13, 2018, the Brazoria County Clerk issued a Writ of Possession for McCann's possessory rights in property.
7. On June 25, 2018, a hearing was held in the 239th District court, Cause No. 96820-CV. McCann was told an Order issued as a result of this hearing.

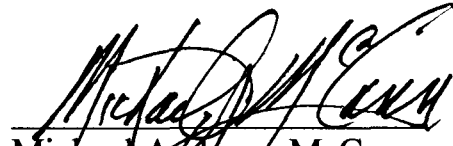
McCann motions this Court, pursuant to 11 U.S.C. §362 (a)(1)(2)(3)(4)(5) and (6), to void any order, writ or other process that was issued in any court after June 6, 2018.


Michael Andrew McCann
P.O. Box 66
Brazoria, Texas 77422
(979) 299-4080

CERTIFICATE OF SERVICE

I hereby certify by my signature above that I have served a true and correct copy of the above and foregoing document by U. S. Postal Service on July 16, 2018 to:

Joseph Patterson
120 West Myrtle Street
Angleton, Texas 77515


Michael Andrew McCann

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

**Michael Andrew McCann
Debtor**

CASE NO. 18-33152

Chapter 7

**ORDER ON EMERGENCY MOTION BY MICHAEL ANDREW McCANN FOR AN
ORDER TO VOID ORDERS, WRITS OR PROCESSES WHICH WERE ISSUED AFTER
JUNE 6, 2018 VIOLATING THE AUTOMATIC STAY**

IT IS ORDERED that after considering the Emergency Motion for an Order to Void Orders and processes issued after June 6, 2018 in Texas county and state courts, that the Motion is Granted.

All orders, writs or processes issued in any Texas county or state court after the filing of the bankruptcy petition in this court on June 6th, 2018 are hereby declared void.

SO ORDERED

≠ ≠ ≠



ENTERED
07/19/2018

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

MICHAEL ANDREW MCCANN,

Debtor.

§
§
§
§
§
§

Case No. 18-33152

Chapter 7

ORDER: (1) *SUA SPONTE* RETROACTIVELY ANNULLING THE AUTOMATIC STAY TO THE DATE OF THE FILING OF THE DEBTOR'S CHAPTER 7 PETITION; AND (2) DENYING THE DEBTOR'S EMERGENCY MOTION FOR AN ORDER TO VOID TEXAS COURT ORDERS AND PROCESSES WHICH WERE ISSUED AFTER AUTOMATIC STAY
[Doc. Nos. 1, 21]

I. Procedural and Factual Background

On June 6, 2018, the Debtor, representing himself *pro se*, filed a Chapter 7 petition (the “Petition Date”). [Doc. No. 1]. This is the Debtor’s seventh bankruptcy filing since 1996, and his fifth bankruptcy filing since 2013. Thus, the Debtor has once again obtained the benefit of the automatic stay. He has initiated his more recent cases in an effort to thwart Spencer Plantation Investments Ltd. (“Spencer”) from taking possession of certain real property located in Brazoria County, Texas, that the Debtor formerly owned (the “Property”). Spencer purchased the Property from the IRS on October 21, 2014, as a result of the Debtor failing to pay taxes to the IRS. The Debtor has never recognized this legitimate sale and has fought tooth and nail to thwart the IRS’s attempts to sell the Property and, once the IRS sold it to Spencer, to thwart Spencer’s taking possession of the Property. Attached to this *sua sponte* Order as **Exhibit A** is a copy of a pleading that Spencer filed in this Court setting forth in detail all of the Debtor’s numerous attempts over the past several years to thwart the IRS and Spencer.¹ It is no

¹ The footnotes in this pleading cite to specific lawsuits and bankruptcies initiated by the Debtor, and also cite rulings made by various state and federal judges. The Court notes that: (1) this pleading was filed in an adversary

understatement to say that the Debtor has spent substantial time attempting to prove—unsuccessfully—that the IRS has wronged him and that Spencer has no right to the Property.

The bankruptcy cases that the Debtor has filed, with one exception, have all been dismissed due to his failure to comply with various provisions of the Bankruptcy Code and Bankruptcy Rules.² Attached to this *sua sponte* Order as **Exhibit B** is a chart showing the sordid history of all of the Debtor’s prior bankruptcy cases. Now, in the most recent filing, the Debtor is once again taking improper actions. First, on June 20, 2018, he filed an adversary proceeding against Spencer when he had no standing to do so. [Adv. Proceeding No. 18-03168, Doc. No. 1]. The Court therefore dismissed this adversary proceeding. [Adv. Proceeding No. 18-03168, Doc. No. 16]. Second, on July 16, 2018, the Debtor filed a pleading entitled “Emergency Motion to Void Texas Court Orders and Processes Which Were Issued After Automatic Stay” (the “Motion”). [Doc. No. 21]. The Motion is fairly skeletal, but the Court construes it as containing allegations by the Debtor that state courts in Brazoria County, Texas, have violated the automatic stay with respect to the rights that the Debtor believes he has in the Property. In the last paragraph of the Motion, which this Court construes as the prayer paragraph, the Debtor requests this Court “to void any order, writ or other process that was issued in any court after June 6, 2018.” [*Id.* at 2 of 2]. Indeed, the Debtor’s proposed order contains the following language: “All orders, writs or processes issued in any Texas county or state court after the filing of the bankruptcy petition in this court on June 6th, 2018 are hereby declared void.” [Doc. No. 21-1]. For the reasons set forth below, the Court now denies the Motion and, additionally, *sua sponte* annuls the automatic stay, retroactively to the Petition Date.

proceeding that the Debtor filed in this pending Chapter 7 case; and (2) the Court granted the relief requested by Spencer—which was to dismiss the adversary proceeding. [Adv. Proceeding No. 18-03168, Doc. No. 16].

² In the one case that was not dismissed (Case Number 04-38909), the Debtor’s discharge was expressly denied under 11 U.S.C. § 727 due to his fraudulent acts. [Case. No. 04-38909, Doc. No. 55].

II. Applicable Law Regarding the Automatic Stay

Upon the filing of a bankruptcy petition, 11 U.S.C. § 362(a) imposes the automatic stay. 11 U.S.C. § 362(d)(1) sets forth that the stay can be terminated, annulled, modified, or conditioned “for cause.” The Fifth Circuit instructs that “cause” under 11 U.S.C. § 362(d)(1) for lifting the automatic stay is “a term not defined in the statute so as to afford flexibility to the bankruptcy courts.” *Little Creek Dev. Co. v. Commonwealth Mortg. (In re Little Creek Dev. Co.)*, 779 F.2d 1068, 1072 (5th Cir. 1986). One of the factors that *Little Creek* sets forth that this Court may consider in evaluating “cause” are the motives of the debtor. *Id.* Further, the Fifth Circuit noted that cause to lift the stay may exist where there is a two-party dispute involving the debtor. *Id.* at 1073.

III. Application of the Law to the Matter at Bar

Here, such conditions exist. The Debtor is using this pending case to thwart Spencer’s legitimate right to take possession of the Property. First, he improperly filed the adversary proceeding seeking a declaratory judgment that the IRS never had any ownership interest in the Property and that therefore Spencer has no right to the Property. Second, the Debtor has now improperly filed the Motion, which has caused this Court once again to spend time dealing with the Debtor’s constant and illegitimate attempts to impede Spencer’s efforts to take possession of the Property.

The Debtor’s tactics in filing the Motion are essentially intended to intimidate the state courts of Brazoria County, Texas, from issuing orders and writs that will assist Spencer in taking possession of the Property. This Court will not allow the Debtor to abuse the bankruptcy process in this fashion. 11 U.S.C. § 105 sets forth that this Court, *sua sponte*, may take any action necessary or appropriate to prevent an abuse of the bankruptcy process. Therefore, pursuant to

its powers under 11 U.S.C. § 105(a) and in accordance with *Little Creek*, this Court finds that “cause” exists to retroactively annul the automatic stay so that any orders issued by Brazoria County courts since the Petition Date—and any actions taken by law enforcement officers to carry out those orders—are deemed **not** to have violated the automatic stay. The Court notes that it may take this action without actually giving notice to the Debtor and holding a hearing. 11 U.S.C. § 102(1)(A); *see also In re Tara Hills, Inc.*, 234 F. App’x 432, 433 (9th Cir. 2007) (internal citations omitted) (“Bankruptcy courts clearly have the authority to annul retroactively the automatic stay. The debtor contends, however, the court erred by doing so without notice and hearing. We disagree. The court entered its order sua sponte ‘to eliminate any vestiges of the abuse of process’ committed by the debtor’s filing of a bad faith petition. Bankruptcy courts are statutorily authorized to issue orders sua sponte ‘to prevent an abuse of process.’”).

The Debtor has a history of using the Bankruptcy Code as both a sword and a shield: he has filed numerous petitions and benefitted from the shield of the automatic stay while failing to comply with the fundamental requirements of the Code, thereby using the process as a sword. Indeed, consistent with his misconduct in his prior cases, the Debtor has filed incomplete schedules in this pending Chapter 7 case. For example, he has scheduled his dental license from the State of Texas but failed to set forth the current value of this asset, as he is required to do. As another example, in response to Item 33 (Claims Against Third Parties) on his Schedule B, he has represented that he has a “claim to property,” but fails to set forth the current value of this claim, as he is required to do. The Debtor’s conduct, taken as a whole, constitutes severe abuse of the bankruptcy process, and it must now be stopped. This Court will not allow the Debtor to use the bankruptcy system to carry on his unfounded delay tactics against Spencer and his

attempts to intimidate the Brazoria County courts and law enforcement officers. That is why the Court issues this order.

IV. Conclusion

Accordingly, it is:

ORDERED that the automatic stay is retroactively annulled to the Petition Date with respect to any orders and writs issued by Brazoria County courts that in any way relate to the Property; and it is further

ORDERED that any orders and writs relating in any way to the Property issued by Brazoria County courts on or after the Petition Date are deemed **not** to have violated the automatic stay; and it is further

ORDERED that any actions taken by any law enforcement officers to carry out any orders and writs relating to the Property issued by Brazoria County courts on or after the Petition Date are deemed **not** to have violated the automatic stay; and it is further

ORDERED that the Motion is denied in its entirety; and it is further

ORDERED that all relief requested by the Debtor in the Motion is denied; and it is further

ORDERED that this order is effective immediately; and it is further

ORDERED that the Clerk of Court shall send a copy of this order to the Debtor at the following address: P.O. Box 66, Brazoria, Texas 77422.

Signed on this 19th day of July, 2018.



Jeff Bohm
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
MICHAEL ANDREW McCANN,	§	CASE NO. 18-33152-H4-7
	§	(Chapter 7)
Debtor.	§	

MICHAEL ANDREW McCANN,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
VS.	§	ADV. P. NO. 18-3168
	§	
SPENCER PLANTATION INVESTMENTS,	§	
LTD.,	§	
	§	
<i>Defendant.</i>	§	

**DEFENDANT'S EMERGENCY MOTION TO DISMISS
UNDER FED. R. CIV. P. 12(b)(1) AND (6)**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN TWENTY-ONE (21) DAYS OF THE DATE THIS WAS SERVED UPON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT RECEIVED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

EXHIBIT No. A

TO THE HONORABLE JEFF BOHM, U.S. BANKRUPTCY JUDGE:

COMES NOW, SPENCER PLANTATION INVESTMENTS, LTD. (the "Defendant"), and makes this Defendant's Emergency Motion to Dismiss Under Fed. R. Civ. P. 12(b)(1) and (6), as incorporated by Fed. R. Bankr. P. 7012, and would show the Court as follows:

I.

Jurisdiction and Constitutional Authority

1. The Defendant has no standing to bring the claims in the adversary, and therefore, this Court has no jurisdiction over the subject matter. The Court does have jurisdiction to determine its own jurisdiction though.

2. This is not a core proceeding. This Court does not have the Constitutional authority to enter a final judgment in this adversary proceeding, and the Defendant does not consent to entry of a final judgment. This Court should make recommended findings of fact and conclusions of law to the district court regarding any final order or judgment.

II.

Relief Requested

3. The Defendant asks this Court to dismiss this adversary proceeding for want of jurisdiction and for failure to state a claim upon which relief may be granted.

III.

Background Facts

4. The Debtor is a serial filer in the bankruptcy courts. In his first bankruptcy filed in 2004, the Debtor was denied a discharge under section 727 for having failed to disclose assets and having engaged in a pattern of racketeering activity in violation of 18 U.S.C. § 1961, *et seq.* *Huntington National Bank v. McCann*, C.A. No. 06-cv-872 (opinion filed in Case No. 04-38909

at Doc. No. 55), *Aff'd, Huntington National Bank v. McCann*, Case No. 06-20488 (5th Cir. 3/7/08)(opinion filed in C.A. No. 06-cv-872 at Doc. No. 70). The Debtor has littered the state court system with frivolous lawsuits and has been held to be a vexatious litigant in the state court system. All of the Debtor's litigation and bankruptcy abuse centers around one issue – the Debtor's refusal to pay his federal income taxes. The Debtor failed to pay in excess of \$2.6 million in federal income taxes and did not want to suffer the consequences of that failure to pay his taxes. As a result, the Debtor abused the litigation and bankruptcy processes to slow the seizure of the real property at issue in this adversary for years¹, abused the litigation and bankruptcy processes in challenging the Defendant's ownership of the real property rightfully acquired at the IRS' sale of the property², abused the litigation and bankruptcy processes in

¹ The IRS' initial public sale of the Property was set to occur on February 5, 2013. On February 4, 2013, the Debtor filed Case No. 13-30609-H4-13 (the "2013-1 Case") pro se, acting as a stay of the tax sale. On April 22, 2013, this Court entered an order dismissing the 2013-1 Case. The Debtor appealed the dismissal order to the District Court. On December 6, 2013, Judge Lynn Hughes entered an order dismissing the Debtor's appeal.

On July 26, 2013, while the appeal of the dismissal order in the 2013-1 Case was still pending, the Debtor filed Case No. 13-34513-H4-13 (the "2013-2 Case") pro se. In that case, the Debtor filed a "Motion for Adversary Hearing" against the Internal Revenue Service (Doc. No. 20). This Court denied that motion, because the Debtor failed to file an adversary proceeding. On September 10, 2013, this Court entered an order dismissing the 2013-2 Case.

On November 12, 2013, again while the appeal of the dismissal order in the 2013-1 Case was still pending, the Debtor filed Case No. 13-80466-H4-7 (the "2013-3 Case") pro se. On January 2, 2014, this Court entered an order dismissing that case for failure to take the required credit counseling course.

The IRS rescheduled and renoticed the tax sale for March 10, 2014.

On March 5, 2014, the Debtor filed two Chapter 7 bankruptcy petitions the same day, pro se – one in the Galveston Division Case No. 14-80094-G3-7 (the "2014-1 Case") and one in the Houston Division Case No. 14-31348-H4-7 (the "2014-2 Case"). On March 10, 2014, this Court entered an order transferring the 2014-2 Case to Judge Paul to be administered with the 2014-1 Case. On March 11, 2014, Judge Paul entered an order granting the IRS' motion for confirmation that the automatic stay was not in effect (thus did not impact the IRS' sale of the Property on March 10, 2014 to the Defendant). On August 18, 2014, Judge Paul entered an order dismissing the 2014-1 Case. The Debtor appealed that order, and on September 28, 2015, Judge Lynn Hughes issued an opinion affirming the dismissal order, pointing out the Debtor's six bankruptcy cases all dismissed for deficiencies.

The Debtor had also, during these time periods, filed numerous cases in Tax Court, all of which were dismissed.

² On December 22, 2014, the Debtor filed a petition in state district court, the 23rd Judicial District, Brazoria County, Texas (Cause No. 79855-CV) pro se, seeking to quiet title to the Property (the "Quiet Title Suit"). The Debtor named both the IRS and the Defendant to that suit. On January 20, 2015, the IRS removed the Quiet Title

challenging the Defendant's right to possession of the property³, and now as a last resort seeks to abuse the bankruptcy process one last time to stop execution of the state court's judgment of possession in favor of the Defendant.⁴

5. Yet despite all of the Debtor's horrifically sanctionable conduct over the years, the Defendant begs this Court to focus on the few central factual and legal issues salient to this

Suit to the United States District Court, Southern District of Texas, Houston Division under C.A. 15-cv-162 (the "Removed Quiet Title Suit"). The IRS filed a motion to dismiss the claims against it, and on July 23, 2015, the Judge Gilmore entered an order dismissing the Debtor's claims against the IRS and remanding the case against the Defendant back to the Brazoria County District Court. The Debtor moved for reconsideration of Judge Gilmore's order, which was denied. The Debtor then appealed the dismissal order to the Fifth Circuit Court of Appeals, which eventually dismissed the Debtor's appeal for his failure to pay a court ordered sanction.

The Defendant filed a motion for summary judgment in the state district court after remand, and on January 25, 2016, the state district judge entered a summary judgment against the Debtor and in favor of the Defendant dismissing the Debtor's claims and ordering that the Debtor's lis pendens be removed from the real property records.

The Debtor appealed the final summary judgment to the Houston Court of Appeals, First District. On February 28, 2017, the First Court of Appeals affirmed the trial court. In its opinion, the Court of Appeals held "We conclude that Spencer met its burden to disprove an essential element of McCann's suit to quiet title by establishing that its claim to the property is valid." *McCann v. Spencer Plantation Investments, Ltd.*, 2017 Tex. App. LEXIS 1683 *12, 2017 WL 769895 (Tex. App. – [1st Dist.] 2/28/17, pet. denied). The Debtor moved for rehearing, which the Court of Appeals denied. The Debtor filed a petition for review with the Texas Supreme Court, which the Supreme Court denied. On December 15, 2017, the Texas Supreme Court denied the Defendant's motion for rehearing, exhausting all appeals of the Quiet Title Suit.

³ After obtaining the Quitclaim Deed to the Property from the IRS, the Defendant filed a forcible entry and detainer lawsuit in the Justice of the Peace Court in Brazoria County, Texas to gain possession of the Property from the Debtor. On December 29, 2014, the Justice of Peace Court entered a judgment of possession in favor of the Defendant. The Debtor appealed that judgment to the County Court at Law No. 1 of Brazoria County, Texas in Cause No. CI52465 (the "Eviction Suit") pro se on the grounds that he was the "rightful owner" of the Property. On April 8, 2016, after a nonjury trial on the merits, the County Court at Law ruled in favor of the Defendant, but held entry of judgment in abeyance until all appeals of the Quiet Title Suit were exhausted.

On January 11, 2018, after the Quiet Title Suit's appeals were final, the Defendant moved for entry of final judgment in the Eviction Suit. On February 7, 2018, the Debtor removed pro se the Eviction Suit to the United States District Court for the Southern District of Texas, Galveston Division in C.A. No. 18-cv-0033. On April 24, 2018, District Judge Hanks entered an order remanding the case back to the Brazoria County, County Court at Law No. 1. On June 1, 2018, the County Court entered its final judgment of possession and for damages in favor of the Defendant. On June 11, 2018, the County Court entered an amended final judgment. The Debtor has filed a Notice of Appeal of that final judgment of possession. On June 13, 2018, the Brazoria County Clerk issued a writ of possession, and on June 28, 2018, the Brazoria County Constable's Office executed on that writ of possession.

⁴ On May 16, 2018, the Debtor filed yet another lawsuit against the Defendant in the 239th Judicial District Court of Brazoria County, Texas pro se making ownership claims based on the same arguments that he has raised and lost in all of the other litigation.

adversary, listed below. The Debtor does not provide all of the detail of the central facts, but he admits to them generally.

- a. The IRS assessed federal income taxes against the Debtor of some \$2.6 million for tax years 1996 – 1999, 2003, 2004, and 2006.
- b. The Debtor failed and refused to pay the federal income taxes assessed against him.
- c. In October of 2012, the IRS exercised its collection rights under 26 U.S.C. § 6331 to levy on and seize the real property at issue.
- d. In March of 2014, after years of legal battles with the Debtor, the IRS was able to conduct the sale of the real property, and it was sold to the Defendant.
- e. After four years of frivolous litigation by the Debtor challenging the Defendant's ownership and possession of the property, resulting in a reported opinion by the Texas Court of Appeals (petition denied by the Texas Supreme Court) holding that the Defendant rightfully owns the property, the Defendant finally obtained a judgment of possession and writ of possession to the property.

6. The Debtor's adversary complaint raises only three causes of action – conversion, violation of the 8th Amendment to the U.S. Constitution, and a request to vacate the Defendant's deed to the property. Based on these causes of action, the Debtor has asked this Court to enter a temporary injunction against the Defendant's exercise of the writ of possession.

IV.

Why the Relief Should be Granted

A. The Complaint Fails to State a Claim Upon Which Relief May Be Granted.

7. Rule 12(b)(6) of the Federal Rules of Civil Procedure allows a party to move for dismissal of an action for failure to state a claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(6) made applicable by Fed. R. Bankr. P. 7012. A claim may be dismissed either because it asserts a legal theory that is not cognizable as a matter of law, or because it fails to lend sufficient facts to support a cognizable legal claim. *See, e.g., SmileCare Dental Group v. Delta Dental Plan of Cal., Inc.*, 88 F.3d 780, 783 (9th Cir. 1996). To survive a Rule 12(b)(6) motion, “[f]actual allegations must be enough to raise a right to relief above the speculative level” and into the “realm of plausible liability.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 557 n.5 (2007); *see also Gonzalez v. Kay*, 577 F.3d 600, 603 (5th Cir. 2009).

8. In *Twombly*, the Supreme Court recognized that Rule 12(b)(6) must be read in conjunction with Rule 8(a)(2), which requires a “short and plain statement of the claim showing that the pleader is entitled to relief.” *Twombly*, 550 U.S. at 555; *see* Fed. R. Civ. P. 8(a)(2). To meet this rule, the Supreme Court requires well-plead facts such that these facts allow the court to infer more than the mere possibility of misconduct. *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009)). Each allegation must be simple, concise, and direct. Fed. R. Civ. P. 8(d)(1); Fed. R. Bankr. P. 7008(a).

9. Although a plaintiff is not required to include “detailed factual allegations” in a complaint, “a plaintiff’s obligation to provide the ‘grounds’ of his ‘entitle[ment] to relief’ requires more than labels and conclusions.” *Id.* at 555; *see also Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009) (“Rule 8...demands more than an unadorned, the-defendant-unlawfully-

harmed-me accusation.”). *Twombly*, 550 U.S. at 555. Thus, a “formulaic recitation of the elements of a cause of action will not do.” Nor may a complaint merely offer “naked assertion[s]” devoid of “further factual enhancement.” *Id.* at 557. Rather, to overcome a motion to dismiss, a complaint must “contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Iqbal* at 1949. A claim has “factual plausibility” when the plaintiff pleads factual content that allows the court to draw the reasonable inference that a defendant acted unlawfully and requires “more than the sheer possibility that a defendant has acted unlawfully.” *Id.* When the pleaded facts “do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged -- but it has not ‘show[n]’ — ‘that the pleader is entitled to relief.’” *Id.* at 1950 (quoting Fed. R. Civ. P. 8(a)(2)).

10. In assessing the sufficiency of a complaint in the context of a Rule 12(b)(6) motion, the Supreme Court in *Iqbal* established a two-step approach. First, a court should identify and disregard conclusory allegations in the complaint because they are “not entitled to the assumption of truth.” *Id.* Second, a court should consider the well-pleaded factual allegations in the complaint to “determine whether they plausibly give rise to an entitlement to relief.” *Id.*

11. In this case, the only specific facts that the Debtor has pleaded are: (a) in 2012 the Debtor obtained title to the property by warranty deed, (b) on March 10, 2014, the IRS held a tax sale of the Debtor’s property, (c) the Defendant purchased the property at the IRS’ tax sale and obtained title to the property by quitclaim deed from the IRS, (d) the IRS’ deed to the property was executed by the authority granted to it under section 6338 of the Internal Revenue Code, (e) Defendant has been issued a writ of possession from the courts of Brazoria County, Texas, and (f) the Defendant “continues to press the courts to convert Plaintiff’s private property for its own

use.” All of Debtor’s other allegations in his complaint are conclusory allegations that this Court should not consider.

i. Vacating a Deed is Not a Cause of Action.

12. This Court should dismiss the Debtor’s claim to “vacate Defendant’s quitclaim deed.” The Debtor’s request that the Court vacate the Defendant’s quitclaim deed is not a cause of action, but a remedy that must flow from a cause of action. The Debtor’s only other causes of action pleaded are conversion and violation of the 8th Amendment, neither of which carry a remedy of vacating a deed. This is simply not a cognizable cause of action under Texas law.

13. Even if vacating a deed were a cause of action recognized under Texas law, there are no specific facts pleaded that would support this claim. In fact, from the facts pleaded in the complaint, there is no cause to vacate the deed. The Debtor expressly pleads and admits that the deed was executed under section 6338 of the Internal Revenue Code, which section grants the IRS authority to issue a deed following a seizure and sale of property under section 6331. The fact that the IRS is not in the “chain of title” is wholly irrelevant if the deed was from a tax sale under section 6331. This Court should dismiss this claim.

ii. Complaint Fails to Plead Facts to Support Conversion.

14. This Court should dismiss the Debtor’s conversion claim. Conversion is a common law cause of action under Texas law. To allege conversion, a plaintiff must allege facts that show that the defendant is wrongfully exercising dominion and control over another’s property in denial of or inconsistent with his rights. *Waisath v. Lack’s Stores, Inc.*, 474 S.W.2d 444, 446 (Tex. 1971). The elements of conversion are: (1) the plaintiff owned, had legal possession of, or was entitled to possession of the property; (2) the defendant assumed and exercised dominion

and control over the property in an unlawful and unauthorized manner, to the exclusion of and inconsistent with the plaintiff's rights; and (3) the defendant refused the plaintiff's demand for return of the property. *Hunt v. Baldwin*, 68 S.W.3d 117, 132 (Tex. App. – Houston [14th Dist.] 2001, no pet.); See also *Freezia v. IS Storage Venture, LLC*, 474 S.W.3d 379, 386 – 87 (Tex. App. – Houston [14th Dist.] 2015, no pet.).

15. The Debtor has not alleged sufficiently specific facts to show that he owned the property, had legal possession of the property, or was entitled to possession of the property. In fact, the Debtor's allegations plead him out of conversion on the face of the complaint. The Debtor admits that the Defendant, by way of quitclaim deed, holds whatever title the Debtor had at the time of the quitclaim deed. Further, the Debtor admits that the quitclaim deed was the result of a tax sale by the IRS under the Internal Revenue Code. Finally, the Debtor admits that the Defendant has been issued a writ of possession by the Brazoria County, Texas court. These facts show that the Debtor does not own the property, does not have legal possession of the property, and is not entitled to possession of the property. The Defendant's possession is the result of execution by a County Constable of a writ of possession, which by its nature is a lawful possession. The Debtor's complaint fails to state a claim of conversion and should be dismissed.

iii. Claim Under 8th Amendment is Not Cognizable Claim.

16. This Court should dismiss the Debtor's claim for violation of the Eighth Amendment. In addition to having already been rejected by the First Court of Appeals in the Debtor's appeal of the Quiet Title Case, the claim is not a cognizable claim. The Eighth Amendment's prohibition of cruel and unusual punishments "was proscribing 'tortures' and other 'barbarous' methods of punishment." *Gregg v. Georgia*, 428 U.S. 153, 170, 96 S. Ct. 2909 (1976). This

means, at least, that the punishment not be “excessive” or “must not be grossly out of proportion to the severity of the crime.” *Id.* at 173. There is no excessive punishment or criminal sanctions involved in this matter. Further, there is no private cause of action under the Eighth Amendment. A plaintiff must allege a claim under section 1983 for a private cause of action under the Eighth Amendment. Although the Debtor has not alleged a claim under section 1983, there would be no set of facts that the Debtor could allege that could possibly state a claim against Defendant under 42 U.S.C. § 1983. A plaintiff must allege two elements to make a claim under section 1983: (1) a right that is secured by the Constitution or laws of the United States was violated, and (2) the alleged violation was committed by a person acting under the color of state law. *West v. Atkins*, 487 U.S. 42, 48, 108 S. Ct. 2250 (1988). The Debtor does not meet either element in his complaint. Regardless of Defendant’s alleged violation, Defendant’s conduct does not constitute actions “under color of state law” since they are not “fairly attributable to the State.” *See Lugar v. Edmondson Oil Co., Inc.*, 457 U.S. 922, 937, 102 S. Ct. 2744 (1982). “Careful adherence to the ‘state action’ requirement preserves an area of individual freedom by limiting the reach of federal law and federal judicial power.” *Lugar*, 457 U.S. at 936. In other words, the Debtor’s alleged deprivation of rights are “protected only against infringement by governments,” not against private companies. *Id.* Here, the Defendant is a private company and thus not a state actor.

17. The Debtor is free to bring a claim against the IRS under section 1983 for a violation of the Eighth Amendment, but he cannot bring such a claim against the Defendant. The claim is not a cognizable claim against the Defendant and it should be dismissed.

iv. **Complaint Fails to State a Claim Upon Which Injunctive Relief May be Granted.**

18. This Court should dismiss the Debtor's equitable claim for an injunction, whether preliminary or permanent. There are four necessary prerequisites for the "extraordinary remedy" of a preliminary injunction. *See Texans for Free Enter. v. Texas Ethics Comm'n*, 732 F.3d 535, 536 (5th Cir. 2013). To prevail, the applicant must demonstrate: (1) a substantial likelihood of success on the merits; (2) a substantial threat that the movant will suffer irreparable injury if the injunction is denied, and that there is no adequate remedy at law, such as monetary damages; (3) the threatened injury outweighs any damage that the injunction might cause the defendant; and (4) that the injunction will not disserve the public interest. *See Janvey v. Alguire*, 647 F.3d 585, 595 (5th Cir. 2011); *Texans for Free Enter.*, 732 F.3d at 536; *PCI Transp. Inc. v. Fort Worth & W. R.R. Co.*, 418 F.3d 535, 545 (5th Cir. 2005); *Women's Med Ctr. of Northwest Houston v. Bell*, 248 F.3d 411, 418-20 (5th Cir. 2001); *Affiliated Prof'l Home Health Care Agency v. Shalala*, 164 F.3d 282, 285 (5th Cir. 1999) (per curiam) (internal citation omitted); *Clark v. Prichard*, 812 F.2d 991, 993 (5th Cir. 1987). The denial of a preliminary injunction will be upheld where the movant has failed to establish *any one* of the four criteria. *See Black Fire Fighters Ass'n v. City of Dallas, Tex.*, 905 F.2d 63, 65 (5th Cir. 1990) (emphasis in original); *see also PCI Transp.*, 418 F.3d at 545 (a preliminary injunction is an extraordinary remedy which should not be granted unless the party seeking it has clearly carried the burden of persuasion on all four requirements); *Bluefield Water Ass'n Inc. v. City of Starkville, Miss.*, 577 F.3d 250, 252-53 (5th Cir. 2009). Injunctive relief is an extraordinary remedy that requires the applicant to unequivocally show the need for its issuance. *See Valley v. Rapides Parish School Bd.*, 118 F.3d 1047, 1050 (5th Cir. 1997). The movant has the burden of introducing sufficient evidence to justify the grant of a preliminary injunction. *PCI Transp.*, at 546. The party seeking relief must satisfy a cumulative

burden of proving each of the four elements enumerated before a temporary restraining order or preliminary injunction can be granted. *Mississippi Power and Light Co. v. United Gas Pipe Line Co.*, 760 F.2d 618, 621 (5th Cir. 1985); *Clark v. Prichard*, 812 F.2d 991, 993 (5th Cir. 1987).

19. The Debtor has not pleaded sufficient facts to show a substantial likelihood of success on the merits of his underlying claims. There is absolutely no allegation in the complaint that the Debtor will suffer irreparable injury if the injunction is denied or that he has no adequate remedy at law such as monetary damages. The Debtor has not alleged that execution of the writ of possession outweighs the damages that the injunction might cause the Defendant. Finally, the Debtor has not alleged that the injunction will not disserve the public interest. Without allegations to support the elements of a preliminary injunction, and without allegations to support the underlying causes of action, this Court must dismiss the Debtor's claim for injunctive relief.

B. The Court Should Dismiss the Adversary Under Fed. R. Civ. P. 12(b)(1) for Want of Jurisdiction.

20. This Court should dismiss the Debtor's claims for lack of jurisdiction under Fed. R. Civ. P. 12(b)(1), because the Debtor has no standing to bring these claims. "The federal courts are under an independent obligation to examine their own jurisdiction, and standing 'is perhaps the most important of [the jurisdictional] doctrines.'" *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 231, 110 S. Ct. 596 (1990) (citation omitted). Standing cannot be inferred from statements made in the pleadings, but must affirmatively appear in the record. *Id.* The party seeking to invoke jurisdiction bears the burden of clearly alleging facts demonstrating that he is the proper party to invoke a judicial resolution of the dispute. *Id.*

21. In this case, the Debtor does not have standing to bring the claims in the complaint against the Defendant. The Debtor's claims seek to protect rights that the Debtor is claiming in certain non-exempt real property he contends that he had an interest in prior to filing the Chapter

7 case. Under section 541(a), any rights that the Debtor may have had in the real property at issue became property of the estate. Of course, the Defendant contends that the Debtor had no rights in the property at issue on the petition date, but even if the Debtor had some right, that right now belongs to Randy Williams, the Chapter 7 Trustee of the Debtor's estate. Only Mr. Williams has standing to bring the claims that the Debtor has brought in the adversary. Without standing, there is no jurisdiction. This Court should dismiss this adversary proceeding under Rule 12(b)(1).

WHEREFORE, PREMISES CONSIDERED, the Defendant, SPENCER PLANTATION INVESTMENTS, LTD., respectfully requests that this Court grant this motion and dismiss the adversary proceeding with prejudice.

Respectfully submitted,

WAUSON ♦ PROBUS

By: /s/ Matthew B. Probus
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*ATTORNEYS FOR DEFENDANT,
SPENCER PLANTATION INVESTMENTS, LTD.*

Certificate of Service

I hereby certify that a true and correct copy of the foregoing has been served on the plaintiff, Michael Andrew McCann, at P.O. Box 66, Brazoria, Texas 77422, via United States first class regular mail, postage prepaid, on this 2nd day of July, 2018.

/s/ Matthew B. Probus
Matthew B. Probus

EXHIBIT B

Date of Filing	Case Number	Type of Case	Date of Dismissal Order	Reasons for Dismissal
Mar. 6, 1996	96-42034	Chapter 13	June 10, 1997	Failure to make payments to the Trustee
June 25, 2004	04-38909	Chapter 7	n/a	Debtor's discharge was denied
Feb. 4, 2013	13-30609	Chapter 13	Apr. 22, 2013	Failure to make payments to Trustee; failure to attend meeting of creditors; failure to file tax returns; failure to file plan; failure to file FICA and FUTA returns
July 26, 2013	13-34513	Chapter 13	Sept. 10, 2013	Failure to file required documents
Nov. 12, 2013	13-80466	Chapter 7	Jan. 2, 2014	Failure to take required credit counseling course
Mar. 5, 2014	14-31348 (subsequently assigned number 14-80094)	Chapter 7	Aug. 18, 2014	Failure to file a creditor mailing matrix